Representative Hall, Atlanta, Georgia

Thursday, March 29, 2012

Fortieth Legislative Day

The House met pursuant to adjournment at 9:30 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Crawford	Holcomb	Meadows	Shaw
Allison	Davis	Holmes	Mitchell	Sheldon
Amerson	Dawkins-Haigler	Holt	Morgan	Sims, B
Anderson	Dempsey	Horne	E Morris	E Sims, C
Ashe	Dickerson	Houston	Mosby	Smith, E
Atwood	Dickey	Howard	Murphy	Smith, K
Baker	Dickson	E Hudson	E Neal, J	Smith, L
Battles	Dobbs	Hugley	Neal, Y	Smith, R
E Beasley-Teague	Dudgeon	Jackson	Nimmer	E Smith, T
Bell	Dunahoo	E James	Nix	Smyre
Benton	Dutton	Jasperse	Oliver	Spencer
Beverly	Ehrhart	Jerguson	O'Neal	Stephens, M
Black	England	Johnson	Pak	Stephens, R
Braddock	E Epps, C	Jones, J	Parent	Talton
Brockway	Epps, J	Jones, S	Parrish	Tankersley
Brooks	Evans	Kaiser	Peake	Taylor, D
Bruce	Frazier	Kendrick	Powell, A	Taylor, T
Bryant	Fullerton	Kidd	Powell, J	Thomas
Buckner	Gardner	Kirby	Pruett	Waites
Burns	Golick	Knight	Purcell	Watson
Byrd	Gordon	Lindsey	Ramsey	Welch
Carson	Greene	Long	Randall	Wilkerson
Carter	Hamilton	Maddox, B	Reece	Wilkinson
Channell	Hanner	Maddox, G	Rice	Willard
Cheokas	E Harbin	Manning	Riley	Williams, A
Clark, J	Harden, B	Marin	Roberts	Williams, C
Clark, V	Harden, M	Martin	Rogers, C	Williams, E
Coleman	Hatchett	Maxwell	Rogers, T	Williams, R
Collins	Hatfield	Mayo	Rynders	Williamson
Cooke	Heard	McBrayer	E Scott, M	Yates
Coomer	Hightower	McCall	Scott, S	Ralston, Speaker
Cooper	Hill	McKillip		

The following members were off the floor of the House when the roll was called:

Representatives Benfield of the 85th, Casas of the 103rd, Dollar of the 45th, Dukes of the 150th, Fludd of the 66th, Geisinger of the 48th, Harrell of the 106th, Hembree of the 67th, Henson of the 87th, Jordan of the 77th, Lane of the 167th, Parsons of the 42nd, Setzler of the 35th, Teasley of the 38th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Representative Doug Collins, District 27, Gainesville, Georgia.

The members pledged allegiance to the flag.

Representative Davis of the 109th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.

2. First reading and reference of House Bills and Resolutions.

3. Second reading of Bills and Resolutions.

4. Reports of Standing Committees.

5. Third reading and passage of Local uncontested Bills.

6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolution of the House were introduced, read the first time and referred to the Committees:

HB 1307. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend Chapter 1 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions pertaining to alcoholic beverages, so as to require that retail consumption dealers and retail dealers who sell alcoholic beverages for consumption on the premises shall make available to patrons alcohol sensors for the purpose of voluntarily testing personal alcohol consumption; to authorize the use of vending machine alcohol sensors; to provide for civil penalties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1308. By Representatives Taylor of the 55th, Morgan of the 39th, Long of the 61st, Bell of the 58th, Brooks of the 63rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse, so as to repeal the statute relating to no duty to retreat prior to the use of force and to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 2089. By Representatives Morgan of the 39th, Thomas of the 100th, Gardner of the 57th, Abrams of the 84th, Hugley of the 133rd and others:

A RESOLUTION urging the Georgia House of Representatives to begin a conversation about the need to look at policy in our state that will empower undocumented students in our state to access higher education; and for other purposes.

Referred to the Committee on Higher Education.

By unanimous consent, the following Bill and Resolutions of the House were read the second time:

HB 1306	HR 2017
HR 2051	

Representative Sims of the 169th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 480	Do Pass	SB 481	Do Pass
SB 527	Do Pass	SB 528	Do Pass
SB 529	Do Pass	SB 530	Do Pass
SB 532	Do Pass	SB 534	Do Pass
SB 537	Do Pass, by Substitute		

Respectfully submitted,
/s/ Sims of the 169th
Chairman

By unanimous consent, the following Bills of the Senate were taken up for consideration and read the third time:

SB 480. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act completely revising the laws relative to the governing authority of Chatham County, approved March 29, 1984 (Ga. L. 1984, p. 5050), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3804), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 481. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act relating to the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4166), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 527. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend an Act to provide for the election of members of the board of education of Turner County, approved March 28, 1964 (Ga. L. 1964, p. 4862), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5349), so as to change the description of the education districts; to define certain terms and provide for certain inclusions;

to provide for continuation in office of current members; to provide for related matters; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 528. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of Turner County, approved August 18, 1927 (Ga. L. 1927, p. 702), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4992), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for related matters; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 529. By Senator Rogers of the 21st:

A BILL to be entitled an Act to provide for expanded powers and duties of the Cherokee County Development Authority; to provide a statement of authority; to provide that such authority may acquire structures for use as an office, a warehouse, a regional commercial development, or a research and development facility; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 530. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to provide a new charter for the City of Mansfield; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for an effective

date; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 532. By Senators Millar of the 40th, Carter of the 42nd, Thompson of the 5th and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the corporate limits; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 534. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act incorporating the City of McDonough, approved April 16, 1981 (Ga. L. 1981, p. 3387), as amended, so as to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for other matters relative to the foregoing; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

SB 537. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, so as to amend the powers of the mayor; to provide for a city administrator; to provide for powers and duties of the city administrator; to provide for an acting city administrator; to provide for emergencies; to provide for removal; to provide for vacancies; to provide for a referendum; to provide for a

contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, so as to amend the powers of the mayor; to provide for a city administrator; to provide for powers and duties of the city administrator; to provide for an acting city administrator; to provide for emergencies; to provide for removal; to provide for vacancies; to provide for a referendum; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, is amended by revising Section 2.18 as follows:

"SECTION 2.18.
Chief executive officer.

The mayor shall be the chief executive of this city. He or she shall possess all of the executive powers granted to the city under the Constitution and State of Georgia, and all of the executive powers contained in this charter."

SECTION 2.

Said Act is further amended by revising Section 2.19 as follows:

"SECTION 2.19.
Powers and duties of mayor.

As the chief executive of this city the mayor:

(1) Shall see that all laws and ordinances of the city are faithfully executed;

(2) Shall preside at all meetings of the mayor and council;

(3) May recommend to the council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;

(4) May examine and audit all accounts of the city;

(5) May require any department or agency of the city to submit written reports whenever he or she deems it expedient;
(6) Shall perform other duties as may be required by general state law, this charter, or ordinance;
(7) Shall be the head of the city for the purpose of service of process and for ceremonial purposes and the official spokesperson for the city and the chief advocate of policy;
(8) Shall have the power to administer oaths and to take affidavits;
(9) Shall sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and
(10) Shall vote on matters before the city council and be counted toward a quorum as any other councilmember."

SECTION 3.

Said Act is further amended by adding a new section to read as follows:

"SECTION 3.19.
City administrator.

(a) The mayor and council shall appoint a city administrator for an indefinite term and fix his or her compensation. The city administrator shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management.
(b) The city administrator shall serve as the mayor and city council's liaison with the city's employees. The administrator shall serve as the immediate supervisor for each of the city's department heads. In keeping with the city's organizational structure, requests or complaints between the city's employees and the mayor and city council shall be made through the administrator.
(c) The city administrator shall be the chief administrative officer of the city, responsible to the mayor and council for the management of all city affairs placed in the administrator's charge by or under this charter. The city administrator shall:
(1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The city administrator may authorize any administrative officer subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
(3) Attend all city council meetings. The city administrator shall have the right to take part in discussion but shall not vote;

(4) See that all laws, provisions of this charter, and acts of the mayor and council, subject to enforcement by the city administrator or by officers subject to the administrator's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the mayor and council, and implement the final budget approved by council to achieve the goals of the city;

(6) Submit to the mayor and council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the mayor and council may require concerning operations;

(8) Keep the mayor and council fully advised as to the financial condition and future needs of the city;

(9) Make recommendations to the mayor and council concerning the affairs of the city and facilitate the work of the mayor and council in developing policy;

(10) Provide staff support services for the mayor and councilmembers;

(11) Assist the mayor and council to develop long-term goals for the city and strategies to implement these goals;

(12) Encourage and provide staff support for regional and intergovernmental cooperation;

(13) Promote partnerships among mayor and council; staff; and citizens in developing public policy and building a sense of community; and

(14) Perform such other duties as are specified in this charter or may be required by the mayor and council.

(d) By letter filed with the city clerk, the city administrator shall designate a city officer or employee to exercise the powers and perform the duties of city administrator during the administrator's temporary absence or disability; the mayor and council may revoke such designation at any time and appoint another officer of the city to serve until the city administrator returns.

(e) In the event of an accident, disaster, or other emergency, the city administrator may make purchases or award contracts when necessary; provided, however, that he or she shall promptly notify the mayor and city council of the emergency, the course of action taken, and all expenditures incurred.

(f) If the city administrator declines to resign at the request of the mayor and council, the mayor and council may suspend the administrator by a resolution approved by the majority vote of mayor and council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city administrator. The city administrator shall have 15 days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than 15 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the mayor and council, by a majority vote, may adopt a final resolution of removal. The city administrator shall continue to receive full salary until the effective date of a final resolution of removal.

(g) Any vacancy in the office of the city administrator should be filled within 120 days following the effective date of such vacancy."

SECTION 4.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Henry County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of McDonough for approval or rejection. The election superintendent shall conduct that election on the Tuesday next following the first Monday in November, 2012, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Henry County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the charter of the City of McDonough be amended so as to transfer
( ) NO the existing administrative powers and duties of the mayor to the city administrator and provide for the powers and duties of the city administrator?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Sections 1 through 3 of this Act shall become of full force and effect on January 1, 2014. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 through 3 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of McDonough. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 5.

Section 4 of this Act shall become effective upon its approval by the Governor only if an Act to provide a new charter for the City of McDonough is enacted during the 2012 regular session of the General Assembly and becomes law; otherwise, this Act shall be automatically repealed on the day following the last day provided for the Governor to approve of or veto legislation.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

By unanimous consent, the following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 963. By Representatives Randall of the 138th, Beverly of the 139th, Peake of the 137th, Epps of the 140th and Holmes of the 125th:

A BILL to be entitled an Act to amend an Act establishing the Board of Public Education for Bibb County, approved August 23, 1872 (Ga. L. 1872, p. 388), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act establishing the Board of Public Education for Bibb County, approved August 23, 1872 (Ga. L. 1872, p. 388), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing the Board of Public Education for Bibb County, approved August 23, 1872 (Ga. L. 1872, p. 388), as amended, is amended by revising Section 2E as follows:

"SECTION 2E.

(a) For purposes of electing members of the board of public education, other than the at-large members, the Bibb County School District is divided into six education districts which shall correspond to Posts 1 through 6. The six education districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: bibbsbR-2012-s018 Plan Type: Local Administrator: s018 User: Gina'.

(b)(1) For the purposes of such plan:

(A) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(B) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(2) Any part of the Bibb County School District which is not included in any district described in subsection (a) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(3) Any part of the Bibb County School District which is described in subsection (a) of this section as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia."

SECTION 2.

The Board of Education of Bibb County which existed on December 31, 2012, is continued in existence but on and after January 1, 2013, shall be constituted as provided in this Act. The Board of Education of Bibb County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as existed immediately prior to January 1, 2013.

SECTION 3.

The Board of Education of Bibb County shall through its legal counsel submit this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, within 30 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 4.

The provisions of this Act relating to and necessary for the regular election in 2012 of members of the Board of Bibb County shall become effective upon its approval by the Governor or upon its becoming effective without such approval; and this Act shall otherwise become effective January 1, 2013.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Plan: bibbsbR-2012-s018
Plan Type: Local
Administrator: s018
User: Gina

District 001
Bibb County
VTD: 021EM1 - EAST MACON 1
VTD: 021EM2 - EAST MACON 2
VTD: 021EM3 - EAST MACON 3
VTD: 021EM4 - EAST MACON 4
VTD: 021EM5 - EAST MACON 5
VTD: 021EM6 - EAST MACON 6
VTD: 021HO5 - HOWARD 5
VTD: 021VV8 - VINEVILLE 8

District 002
Bibb County
VTD: 021GF1 - GODFREY 1
VTD: 021GF2 - GODFREY 2
VTD: 021GF3 - GODFREY 3
010400:
2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 3000 3001
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3017 3018 4028 4029 4034 4035
012500:
3018 3019
012600:
2006 2017 2018 2019
VTD: 021GF4 - GODFREY 4
012700:
2006 2007 2010 2013 2014 2015 2016 2017 2018 2019 2020 2021
2022
012800:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1011 1012
1013 1014 1015 1016 1017 1018 1020
VTD: 021GF6 - GODFREY 6
VTD: 021VV1 - VINEVILLE 1
VTD: 021VV2 - VINEVILLE 2

District 003
Bibb County
VTD: 021GF4 - GODFREY 4
012800:
1010 1019
012900:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 2005 2006 2007 2008 2012 2013 2014 2015 2016 2017
2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029
2030 2031 2032
013900:
1152 1153 1154 1170 1171 1179 1180 1181 1182 1183 1184 1185
1186 1187 1188 1191 1226
VTD: 021GF5 - GODFREY 5
VTD: 021GF7 - GODFREY 7
VTD: 021RU1 - RUTLAND 1
VTD: 021RU2 - RUTLAND 2
VTD: 021WA2 - WARRIOR 2
013101:
1073 1074 1075
013603:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
1036 1037 1038 2046
013604:
1010 1011 1012 1013 1014 1016 1017

District 004
Bibb County
VTD: 021HA2 - HAZZARD 2
VTD: 021HA3 - HAZZARD 3
013101:
1069 1070
013201:
2052 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013
4014 4015 4023 4024 4025 4032 4041 4042 4043
013603:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2036 2037
2038 2039 2040 2041 2042 2043 2044 2045
013604:
2000 2001 2019 2020 2028 2029 2030 3000 3001 3002 3005
013606:
1010 1011 4009 4010 4011 4012 4013 4014 4015 4016 4017 4019
VTD: 021HA4 - HAZZARD 4
VTD: 021HA6 - HAZZARD 6
VTD: 021HA7 - HAZZARD 7

VTD: 021HO2 - HOWARD 2
013410:
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2020 2021 2026 2028 3005 3006 3007 3008 3009 3010 3011
3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025
3026 3031
VTD: 021WA1 - WARRIOR 1
VTD: 021WA2 - WARRIOR 2
013604:
1015 1020 3003 3004 3006 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3017 3018

District 005
Bibb County
VTD: 021GF3 - GODFREY 3
010400:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023
4024 4025 4026 4027 4030 4031 4032 4033 4036 4037 4038 4039
4040 4041 4042 4043
012500:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 3016 3017 3024 3025 3028 3029 3030 3031
3032 3033
VTD: 021HA1 - HAZZARD 1
VTD: 021HA5 - HAZZARD 5
VTD: 021HO4 - HOWARD 4
VTD: 021VV3 - VINEVILLE 3
VTD: 021VV4 - VINEVILLE 4
VTD: 021VV5 - VINEVILLE 5
012200:
2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042
2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2055
2056
012400:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1016 1017 1018
1019 1020 1021 1022 1023 1028
VTD: 021VV6 - VINEVILLE 6
VTD: 021VV7 - VINEVILLE 7

District 006
Bibb County

VTD: 021HA3 - HAZZARD 3
013201:
2000 2001 2002 2003 2005 2006 2007 2008 2009 2010 2011 2020
2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032
2034 2053 2054 2055
013410:
2022 2027
013605:
1005 1006 1007 1008 1010 1011
013606:
4000 4001 4002 4003 4004 4005 4006 4007 4008
VTD: 021HO1 - HOWARD 1
VTD: 021HO2 - HOWARD 2
012101:
1002 1003 1005 1006 1007 1009 1010 1019 1025 1033 1034 1035
1036 1037 1038 1047 1048 1049 1050
012200:
2011 2057
013201:
2014 2015 2016
013410:
1008 1009 1010 1011 1014 1015 1016 1017 1020 1022 1023 1024
1025 1026 1027 1030 1031 1032 1035 1036 1039 2000 2001 2002
2003 2004 2005 2023 2024 2025 2035 2036 2037 2038 2039 2040
2041 2042 2043 2044 2046 2056 2057 2058 2059 2060 2061 2062
2063 3012
VTD: 021HO3 - HOWARD 3
VTD: 021HO6 - HOWARD 6
VTD: 021HO7 - HOWARD 7
VTD: 021HO8 - HOWARD 8
VTD: 021HO9 - HOWARD 9
VTD: 021VV5 - VINEVILLE 5
012200:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2012
2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026 2027 2028 2029 2030 2054
012400:
1009 1010 1011 1012 1013 1014 1015 1025 1026 1027 1029

HB 1041. By Representatives Battles of the 15th and Coomer of the 14th:

A BILL to be entitled an Act to amend an Act providing for the Board of Education of Bartow County, approved March 30, 1987 (Ga. L. 1987, p.

4915), as amended, particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 3999), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend HB 1041 by on line 49 strike the word “selected” with the word “elected”.

HB 1204. By Representatives Coleman of the 97th and Rice of the 51st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Duluth, Georgia, approved March 25, 1958 (Ga. L. 1958, p. 3148), as amended, particularly by an Act approved June 3, 2003 (Ga. L. 2003, p. 4048), so as to change the corporate limits of the city; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating a new charter for the City of Duluth, Georgia, approved March 25, 1958 (Ga. L. 1958, p. 3148), as amended, particularly by an Act approved June 3, 2003 (Ga. L. 2003, p. 4048), so as to change the corporate limits of the city; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Duluth, Georgia, approved March 25, 1958 (Ga. L. 1958, p. 3148), as amended, particularly by an Act approved June 3, 2003 (Ga. L. 2003, p. 4048), is amended by adding the following language to Exhibit A of the Act:

"2012 ADDITION

All those tracts or parcels of land lying and being in Gwinnett County, Georgia, being all of the property described in ordinances of annexation approved by the Mayor and Council of the City of Duluth since June 3, 2003, up to and including January 31, 2012,

which property is more particularly described in the ordinances of annexation approved by the Mayor and Council of the City of Duluth known as Annexation #0131-03, approved October 13, 2003, Annexation #0132-03, approved July 28, 2003, Annexation #0133-03, approved December 8, 2003, Annexation #0134-03, approved October 13, 2003, Annexation #0135-03, approved December 8, 2003, Annexation #0136-03, approved December 8, 2003, Annexation #0137-03, approved December 8, 2003, Annexation #0138-03, approved December 8, 2003, Annexation #0139-03, approved December 8, 2003, Annexation #0140-03, approved December 8, 2003, Annexation #0141-03, approved December 8, 2003, Annexation #0142-04, approved August 23, 2004, Annexation #0143-04, approved September 27, 2004, Annexation #0145-05, approved January 9, 2006, Annexation #0146-05, approved January 9, 2006, Annexation #0147-06, approved August 28, 2006, Annexation #0148-06, approved August 28, 2006, Annexation #0150-06, approved October 22, 2007, Annexation #0155-07, approved November 12, 2007, Annexation #0156-08V, approved January 26, 2009, Annexation #0157-08, approved April 27, 2009 and Annexation #2011-019, approved October 24, 2011, which ordinances of annexation are incorporated herein by reference.

Also all that property lying and being in Land Lot 267 of the 6th Land District of Gwinnett County known as 3245 North Berkeley Lake Road, (tax parcel 6-267-050) and 3120 North Berkeley Lake Road (tax parcel 6-267-003A).

The property described herein is intended to include and is hereby declared to include the following Gwinnett County Tax Parcels as shown on the Gwinnett County tax maps for the year 2011:

6236 22	6265 436	6265 453	6268 023	7199 238
6261 05	6265 437	6265 454	6268 026	7199 239
6261 06	6265 438	6265 455	6268 029	7199 240
6261A080	6265 439	6265 456	6268 039	7199 241
6263 284	6265 440	6265 457	7160 162	7199 242
6263 286	6265 441	6265 458	7199 223	7199 243
6263 344	6265 442	6265 458	7199 224	7199 244
6265 426	6265 443	6265 458	7199 228	7199 245
6265 427	6265 444	6267 019	7199 229	7199 246
6265 428	6265 445	6267 020	7199 230	7199 247
6265 429	6265 446	6267 021	7199 231	7199 248
6265 430	6265 447	6267 033	7199 232	7199 249
6265 431	6265 448	6267 043	7199 233	7199 250
6265 432	6265 449	6267 044	7199 234	7199 251
6265 433	6265 450	6267 058	7199 235	7199 252
6265 434	6265 451	6267 071	7199 236	7199 253
6265 435	6265 452	6267 073	7199 237	7199 289

7199 290	7199 334	7199 377	7199 425	7199 468
7199 291	7199 335	7199 378	7199 426	7199 469
7199 292	7199 336	7199 379	7199 427	7199 470
7199 293	7199 337	7199 380	7199 428	7199 471
7199 294	7199 338	7199 381	7199 429	7199 472
7199 295	7199 339	7199 383	7199 430	7199 473
7199 296	7199 340	7199 384	7199 431	7199 474
7199 297	7199 341	7199 385	7199 432	7199 475
7199 298	7199 342	7199 386	7199 433	7199 476
7199 299	7199 343	7199 387	7199 434	7199 477
7199 300	7199 344	7199 388	7199 435	7199 478
7199 301	7199 345	7199 389	7199 436	7199 479
7199 302	7199 346	7199 390	7199 437	7199 480
7199 303	7199 347	7199 391	7199 438	7199 481
7199 304	7199 348	7199 392	7199 439	7200 002
7199 305	7199 349	7199 393	7199 440	7200 003
7199 306	7199 350	7199 394	7199 441	7200 150
7199 307	7199 351	7199 395	7199 442	7200 151
7199 308	7199 352	7199 396	7199 443	7200 152
7199 309	7199 353	7199 397	7199 444	7200 153
7199 310	7199 354	7199 398	7199 445	7200 154
7199 311	7199 355	7199 399	7199 446	7200 155
7199 313	7199 356	7199 400	7199 447	7200 156
7199 314	7199 357	7199 401	7199 448	7200 157
7199 315	7199 358	7199 402	7199 449	7200 158
7199 316	7199 359	7199 403	7199 450	7200 159
7199 317	7199 360	7199 404	7199 451	7200 160
7199 318	7199 361	7199 405	7199 452	7200 161
7199 319	7199 362	7199 406	7199 453	7200 162
7199 320	7199 363	7199 407	7199 454	7200 163
7199 321	7199 364	7199 408	7199 455	7200 164
7199 322	7199 365	7199 409	7199 456	7200 165
7199 323	7199 366	7199 410	7199 457	7200 166
7199 324	7199 367	7199 411	7199 458	7200 167
7199 325	7199 368	7199 412	7199 459	7200 168
7199 326	7199 369	7199 414	7199 460	7200 169
7199 327	7199 370	7199 415	7199 461	7200 170
7199 328	7199 371	7199 419	7199 462	7200 171
7199 329	7199 372	7199 420	7199 463	7200 172
7199 330	7199 373	7199 421	7199 464	7200 173
7199 331	7199 374	7199 422	7199 465	7200 174
7199 332	7199 375	7199 423	7199 466	7200 175
7199 333	7199 376	7199 424	7199 467	7200 176

7200 177	7200 221	7200 265	7200 412	7201 274
7200 178	7200 222	7200 266	7200 414	7201 275
7200 179	7200 223	7200 267	7200 415	7201 276
7200 180	7200 224	7200 268	7200 416	7201 277
7200 181	7200 225	7200 269	7200 417	7201 278
7200 182	7200 226	7200 270	7200 418	7201 279
7200 183	7200 227	7200 271	7200 419	7201 280
7200 184	7200 228	7200 272	7200 420	7201 281
7200 185	7200 229	7200 273	7200 421	7201 282
7200 186	7200 230	7200 274	7200 422	7201 283
7200 187	7200 231	7200 275	7200 423	7201 284
7200 188	7200 232	7200 379	7200 424	7201 285
7200 188	7200 233	7200 380	7200 425	7201 286
7200 190	7200 234	7200 381	7200 426	7201 287
7200 192	7200 235	7200 382	7200 427	7201 288
7200 193	7200 236	7200 383	7200 428	7201 289
7200 194	7200 237	7200 384	7200 429	7201 290
7200 195	7200 238	7200 385	7200 430	7201 291
7200 196	7200 239	7200 386	7200 431	7201 292
7200 197	7200 240	7200 387	7200 432	7201 293
7200 198	7200 241	7200 388	7200 433	7201 294
7200 199	7200 242	7200 389	7200 434	7201 295
7200 200	7200 243	7200 390	7200 435	7201 296
7200 201	7200 244	7200 391	7200 436	7201 297
7200 202	7200 245	7200 392	7200 437	7201 298
7200 203	7200 246	7200 393	7200 438	7201 299
7200 204	7200 247	7200 394	7200 439	7201 300
7200 205	7200 248	7200 395	7200 440	7201 301
7200 206	7200 249	7200 396	7200 441	7201 302
7200 207	7200 250	7200 397	7200 442	7201 303
7200 208	7200 251	7200 398	7200 443	7201 304
7200 209	7200 252	7200 399	7200 444	7201 305
7200 210	7200 253	7200 400	7200 445	7201 306
7200 211	7200 254	7200 401	7201 002	7201 307
7200 212	7200 255	7200 402	7201 005	7201 308
7200 213	7200 256	7200 403	7201 016B	7201 309
7200 214	7200 257	7200 404	7201 267	7201 310
7200 215	7200 258	7200 405	7201 268	7201 311
7200 216	7200 259	7200 406	7201 269	7201 312
7200 217	7200 260	7200 407	7201 270	7201 313
7200 218	7200 261	7200 408	7201 271	7201 314
7200 219	7200 262	7200 409	7201 272	7201 315
7200 220	7200 263	7200 410	7201 273	7201 316

7201 317	7201 360	7206 304	7206 349	7206 392
7201 318	7201 361	7206 305	7206 350	7206 393
7201 319	7201 362	7206 306	7206 351	7206 394
7201 320	7201 363	7206 307	7206 352	7206 395
7201 321	7201 364	7206 308	7206 353	7206 398
7201 322	7201 365	7206 309	7206 354	7206 399
7201 323	7201 367	7206 310	7206 355	7206 400
7201 324	7201 368	7206 311	7206 356	7206 401
7201 325	7201 369	7206 312	7206 357	7206 402
7201 326	7201 370	7206 313	7206 358	7206 403
7201 327	7201 371	7206 314	7206 359	7206 404
7201 328	7201 372	7206 315	7206 360	7206 405
7201 329	7201 373	7206 316	7206 361	7206 406
7201 330	7201 374	7206 317	7206 362	7206 407
7201 331	7201 385	7206 318	7206 363	7206 408
7201 332	7206 003	7206 319	7206 364	7206 409
7201 333	7206 006	7206 320	7206 365	7206 410
7201 334	7206 274	7206 321	7206 366	7206 411
7201 335	7206 275	7206 322	7206 367	7206 412
7201 336	7206 280	7206 323	7206 368	7206 413
7201 337	7206 281	7206 324	7206 369	7206 414
7201 338	7206 282	7206 327	7206 370	7206 415
7201 339	7206 283	7206 328	7206 371	7206 416
7201 340	7206 284	7206 329	7206 372	7206 417
7201 341	7206 285	7206 330	7206 373	7206 418
7201 342	7206 286	7206 331	7206 374	7206 419
7201 343	7206 287	7206 332	7206 375	7206 420
7201 344	7206 288	7206 333	7206 376	7206 421
7201 345	7206 289	7206 334	7206 377	7206 422
7201 346	7206 290	7206 335	7206 378	7206 423
7201 347	7206 291	7206 336	7206 379	7206 424
7201 348	7206 292	7206 337	7206 380	7206 425
7201 349	7206 293	7206 338	7206 381	7206 426
7201 350	7206 294	7206 339	7206 382	7206 427
7201 351	7206 295	7206 340	7206 383	7206 428
7201 352	7206 296	7206 341	7206 384	7206 429
7201 353	7206 297	7206 342	7206 385	7206 430
7201 354	7206 298	7206 343	7206 386	7206 431
7201 355	7206 299	7206 344	7206 387	7206 433
7201 356	7206 300	7206 345	7206 388	7206 434
7201 357	7206 301	7206 346	7206 389	7206 435
7201 358	7206 302	7206 347	7206 390	7206 436
7201 359	7206 303	7206 348	7206 391	7206 438

7206 439	7207 171	7207 211	7207 252	7207 291
7206 440	7207 172	7207 212	7207 253	7207 292
7206 441	7207 173	7207 213	7207 254	7207 293
7206 442	7207 174	7207 214	7207 255	7207 294
7206 443	7207 175	7207 215	7207 256	7207 295
7206 444	7207 176	7207 216	7207 257	7207 296
7206 458	7207 177	7207 217	7207 258	7207 297
7207 002	7207 178	7207 218	7207 259	7207 298
7207 004	7207 179	7207 219	7207 260	7207 299
7207 004	7207 180	7207 220	7207 261	7207 300
7207 005	7207 181	7207 221	7207 262	7207 301
7207 012	7207 182	7207 222	7207 263	7207 302
7207 016	7207 183	7207 223	7207 264	7207 303
7207 094	7207 184	7207 224	7207 265	7207 304
7207 145	7207 185	7207 225	7207 266	7207 305
7207 146	7207 186	7207 226	7207 267	7207 306
7207 147	7207 187	7207 227	7207 268	7207 307
7207 148	7207 188	7207 228	7207 269	7207 308
7207 149	7207 189	7207 229	7207 270	7207 309
7207 150	7207 190	7207 230	7207 271	7207 310
7207 151	7207 191	7207 231	7207 272	7207 311
7207 152	7207 192	7207 232	7207 273	7207 312
7207 153	7207 193	7207 233	7207 274	7207 313
7207 154	7207 194	7207 234	7207 275	7207 314
7207 155	7207 195	7207 235	7207 276	7207 315
7207 156	7207 196	7207 236	7207 277	7207 316
7207 157	7207 197	7207 237	7207 278	7207 317
7207 158	7207 198	7207 238	7207 279	7207 318
7207 159	7207 199	7207 239	7207 280	7207 319
7207 160	7207 200	7207 241	7207 281	7207 320
7207 161	7207 201	7207 242	7207 282	7207 321
7207 162	7207 202	7207 243	7207 283	7207 322
7207 163	7207 203	7207 244	7207 284	7207 323
7207 164	7207 204	7207 245	7207 285	7207 324
7207 165	7207 205	7207 246	7207 286	7207 325
7207 166	7207 206	7207 247	7207 287	7207 326
7207 167	7207 207	7207 248	7207 288	7207 327
7207 168	7207 208	7207 249	6267 050	7207 328
7207 169	7207 209	7207 250	7207 289	7207 333
7207 170	7207 210	7207 251	7207 290	6267 003A

The City limits shall also include all of the public roads and right of ways adjacent to the parcels set forth in this 2012 addition, including railroad right of ways lying

adjacent to those parcels or adjacent to the public roadways adjacent to those parcels, unless said right of ways are specifically included within the boundaries of another City. The property described herein, being more specifically shown as a part of the City of Duluth on a map entitled Boundary Map of the Corporate Limits of City of Duluth, Georgia as of February 2012, which map is incorporated herein by reference and declared to be the official boundaries of the City of Duluth."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

HB 1236. By Representatives Marin of the 96th and Rice of the 51st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3729), and an Act approved May 6, 2005 (Ga. L. 2005, p. 3876), so as to change the corporate limits of the City of Norcross; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3729), and an Act approved May 6, 2005 (Ga. L. 2005, p. 3876), so as to change the corporate limits of the City of Norcross; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3729), and an Act approved May 6, 2005 (Ga. L. 2005, p. 3876), is revised in Section 1.12 by adding a new subsection to read as follows:

"(h)(1) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

Legal Description Tract 'A'

All that tract or parcel of land laying and being in land lots 211 and 212 of the 6th Land District of Gwinnett County, Georgia, which tract is more particularly described as follows:

Beginning at a point located at the intersection of the northerly right-of-way of Interstate 85 and the shared land lot line for Land Lots 211 and 212 of the 6th District of Gwinnett County, Georgia, said point being the POINT OF BEGINNING; proceed thence south easterly direction along the northerly right-of-way of Interstate 85 to the Existing City of Norcross, Georgia City Limits Line; thence leaving the northerly right-of-way of Interstate 85 proceed in a northerly direction along the Existing City of Norcross, Georgia City Limits Line to a point located on southerly right-of-way of Bolton Circle; thence proceed northwest along the southerly right-of-way of Bolton Circle and the Existing City of Norcross, Georgia City Limits Line to a point; thence proceed in southwesterly direction leaving the southerly right-of-way of Bolton Circle and along the Existing City of Norcross City Limits Line to a point; thence proceed in northwesterly direction along the Existing City of Norcross, Georgia City Limits Line to a point located on the southerly right-of-way of Beaver Ruin Road; thence east along the southerly right-of-way of Beaver Ruin Road to the westerly right-of-way of Bolton Circle; thence across and perpendicular to Beaver Ruin Road to a point located on the northerly right-of-way of Beaver Ruin Road; thence northeast, east and southeast along the northerly right-of-way of Beaver Ruin Road to the western corner of 1804 Beaver Ruin Road; thence leaving the northerly right-of-way of Beaver Ruin Road proceed in a northeasterly direction along the northwest boundary of 1804 Beaver Ruin Road to a point; thence southeast along the northeast boundary of 1804 Beaver Ruin Road to a point located on the northerly right-of-way of Interstate 85; thence southwest along the northerly right-of-way of Interstate 85 to the POINT OF BEGINNING.

Legal Description Tract 'B'

All that tract or parcel of land lying and being in Land Lot 212 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the southerly Right of Way line of Beaver Ruin Road (Right of Way Varies) and the easterly Right of Way line of Indian Trail Road (Right of Way Varies); thence along the southerly Right of Way line of Beaver Ruin Road North 17 Degrees 40 Minutes 21 Seconds East, 60.08 feet to a point; thence continue along the southerly Right of Way line of Beaver Ruin Road South 72 Degrees 10 Minutes 10 Seconds East, 37.02 feet to a point; thence continue along the southerly Right of Way line of Beaver Ruin Road South 85 Degrees 54 Minutes 57 Seconds East, 73.50 feet to a point; thence continue along the southerly Right of Way line of Beaver Ruin Road North 89 Degrees 40 Minutes 33 Seconds East, 64.69 feet to a point; thence leaving the southerly Right of Way line of Beaver Ruin Road South 15 Degrees 48 Minutes 14 Seconds East 236.96 feet to a point; thence South 74 Degrees 11 Minutes 46 Seconds West, 267.64 feet to a point on the easterly Right of Way line of Indian Trail Road; thence along the

easterly Right of Way line of Indian Trail Road North 12 Degrees 49 Minutes 14 Seconds West, 82.78 feet to a point; thence continue along the easterly Right of Way line of Indian Trail Road North 04 Degrees 58 Minutes 19 Seconds West, 218.31 feet to The Point of Beginning containing 1.57 acres.

(2) The portion of Interstate 85 and adjacent rights of way currently within the corporate limits of the City of Norcross, Georgia are hereby de-annexed from the existing corporate limits of the City of Norcross, Georgia."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval; provided, however, that this Act shall be deemed effective as of December 31, 2012, for ad valorem tax purposes.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, and on the agreement to the Senate substitutes or amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
Y Amerson
Y Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
E Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Casas
Y Channell
Y Davis
Y Dawkins-Haigler
Y Dempsey
Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Ehrhart
Y England
E Epps, C
Y Epps, J
Y Evans
Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Geisinger
Golick
Y Gordon
Y Greene
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Houston
Y Howard
E Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Jordan
Y Kaiser
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Meadows
Y Mitchell
Y Morgan
Y Morris
Y Mosby
Y Murphy
E Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
E Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Weldon
Y Wilkerson

Y Cheokas	Y Hamilton	Y Lane	Y Reece	E Wilkinson
Y Clark, J	Y Hanner	Lindsey	Rice	Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bills, and on the agreement to the Senate substitutes or amendment, the ayes were 155, nays 0.

The Bills, having received the requisite constitutional majority, were passed, and the House has agreed to the Senate substitutes or amendment.

Representative Bryant of the 160th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 861. By Representatives Harden of the 28th, Ramsey of the 72nd, Allison of the 8th, Dempsey of the 13th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers, so as to require law enforcement agencies to report drug related arrests to the Department of Human Services; to amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions for public assistance, so as to require drug testing for applicants and recipients of state administered TANF benefits; to provide for legislative intent; to provide for related matters; to provide for severability; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Coleman of the 97th, Battles of the 15th, Harden of the 28th, Morgan of the 39th, Waites of the 60th, Smyre of the 132nd, Nix of the 69th, Roberts of the

154th, Yates of the 73rd, Reece of the 11th, Welch of the 110th, Purcell of the 159th, Gordon of the 162nd, Kaiser of the 59th, Sims of the 169th, Henson of the 87th, Drenner of the 86th, Abrams of the 84th, and Abdul-Salaam of the 74th.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 1176. By Representatives Golick of the 34th, Neal of the 1st, Willard of the 49th, Lindsey of the 54th, Oliver of the 83rd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 and Title 16 of the O.C.G.A., relating to general provisions relative to courts and crimes and offenses, respectively, so as to enact provisions recommended by the 2011 Special Council on Criminal Justice Reform for Georgians and enact other criminal justice reforms; to amend Title 17 of the O.C.G.A., relating to criminal procedure, so as to extend certain statutes of limitations; to amend Code Section 19-7-5 of the O.C.G.A, relating to reporting of child abuse, so as to expand mandatory reporting requirements; to amend Article 2 of Chapter 3 of Title 35 of the O.C.G.A., relating to the Georgia Crime Information Center, so as to change provisions relating to inspection, purging, modifying, or supplementing of criminal records; to amend Title 42 of the O.C.G.A, relating to penal institutions, so as to provide for the use of evidence based practices in supervising inmates, probationers, and parolees; to amend certain Titles of the O.C.G.A., so as to conform provisions and correct cross-references.

The following Senate amendments were read:

Senate Amendment #1

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by replacing lines 1 through 5 with the following:
To amend Chapter 7 of Title 5 of the Official Code of Georgia Annotated, relating to appeal or certiorari by the state in criminal cases, so as to change provisions relating to the state's right to appeal; to amend Titles 15, 16, 17, 35, and 42 of the Official Code of

By replacing lines 46 through 52 with the following:
Chapter 7 of Title 5 of the Official Code of Georgia Annotated, relating to appeal or certiorari by the state in criminal cases, is amended by revising paragraph (7) of subsection (a) of Code Section 5-7-1, relating to orders, decisions, or judgments appealable, as follows:

"(7) From an order, decision, or judgment of a ~~superior~~ court granting a motion for new trial or an extraordinary motion for new trial;"

SECTION 1-2.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 5-7-2, relating to certification required for immediate review of nonfinal orders, decisions, or judgments and exceptions, as follows:

"(2) Order, decision, or judgment described in paragraph (1) or (7) of subsection (a) of Code Section 5-7-1."

Senate Amendment #2

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by revising lines 318 through 398 as follows:

(a) As used in this Code section, the term:

(1) 'Dwelling' means any building, structure, or portion thereof which is designed or intended for occupancy for residential use.

(2) 'Railroad car' shall also include trailers on flatcars, containers on flatcars, trailers on railroad property, or containers on railroad property.

~~(a)~~(b) A person commits the offense of burglary in the first degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within ~~the~~ an occupied, unoccupied, or vacant dwelling house of another or any building, vehicle, railroad car, watercraft, aircraft, or other such structure designed for use as the dwelling of another ~~or enters or remains within any other building, railroad car, aircraft, or any room or any part thereof~~. A person ~~convicted of~~ who commits the offense of burglary~~, for the first such offense~~ in the first degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years. ~~For the purposes of this Code section, the term 'railroad car' shall also include trailers on flatcars, containers on flatcars, trailers on railroad property, or containers on railroad property.~~ Upon the second conviction for burglary in the first degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than two nor more that 20 years. Upon the third and all subsequent convictions for burglary in the first degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than five nor more than 25 years.

(c) A person commits the offense of burglary in the second degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within an occupied, unoccupied, or vacant building, structure, vehicle, railroad car, watercraft, or aircraft. A person who commits the offense of burglary in the second degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years. Upon the second and all subsequent convictions for burglary in the second degree, the defendant shall be guilty

of a felony and shall be punished by imprisonment for not less than one nor more than eight years.

~~(b)~~(d) Upon a ~~second conviction~~ fourth and all subsequent convictions for a crime of burglary ~~occurring after the first conviction, a person shall be punished by imprisonment for not less than two nor more than 20 years. Upon a third conviction for the crime of burglary occurring after the first conviction, a person shall be punished by imprisonment for not less than five nor more than 20 years. Adjudication~~ in any degree, adjudication of guilt or imposition of sentence shall not be suspended, probated, deferred, or withheld ~~for any offense punishable under this subsection~~."

Senate Amendment #3

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by deleting "misdemeanor" *on line 414*.

Senate Amendment #4

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by replacing "including" *with* "other than"*on line 603.*

By replacing lines 608 through 612 with the following:

defraud he or she knowingly:

(1) Makes, alters, possesses, utters, or delivers any check written in the amount of $1,500.00 or more in a fictitious name or in such manner that the check as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority; or

(2) Possesses ten or more checks written without a specified amount in a fictitious name or in such manner that the checks as made or altered purport to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority.

By replacing lines 614 through 618 with the following:

defraud he or she knowingly:

(1) Makes, alters, possesses, utters, or delivers any check written in the amount of less than $1,500.00 in a fictitious name or in such manner that the check as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority; or

(2) Possesses less than ten checks written without a specified amount in a fictitious name or in such manner that the checks as made or altered purport to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority.

Senate Amendment #5

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by replacing lines 713 through 716 with the following:
(f) Reserved.

Senate Amendment #6

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by inserting between lines 1078 and 1079 the following:
(1) Trafficking a person for sexual servitude, as defined in Code Section 16-5-46;

By redesignating paragraphs (1) through (6) on lines 1079, 1080, 1081, 1082, 1084, and 1085 as paragraphs (2) through (7), respectively.

Senate Amendment #7

The Senate offers the following amendment:

Amend HB 1176 (LC 29 5281S) by replacing "(c), and (g)" *with* "(c), (e), and (g)" *on line 1161*.

By replacing lines 1248 through 1259 with the following:
(2) If a person is required to report child abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as ~~a member of the staff of~~ an employee of or volunteer at a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. ~~A staff member~~ An employee or volunteer who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report."

"(e) An oral report shall be made immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, by telephone or otherwise and followed by a report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Services, or, in the absence of such agency, to an appropriate police authority or district attorney. If a

report of child abuse is made to the child welfare agency or independently discovered by the agency, and the agency has reasonable cause to believe such report is true or the report contains any allegation or evidence of child abuse, then the agency shall immediately notify the appropriate police authority or district attorney. Such reports shall contain the names and addresses of the child and the child's parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator. Photographs of the child's injuries to be used as documentation in support of allegations by hospital ~~staff~~ employees or volunteers, physicians, law enforcement personnel, school officials, or ~~staff~~ employees or volunteers of legally mandated public or private child protective agencies may be taken without the permission of the child's parent or guardian. Such ~~photograph~~ photographs shall be made available as soon as possible to the chief welfare agency providing protective services and to the appropriate police authority."

Representative Golick of the 34th moved that the House agree to the Senate amendments to HB 1176.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	E Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	E Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	E Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	Y James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Floyd	Y Johnson	Y Parrish	Y Taylor, R
E Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	E Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	E Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard

Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 162, nays 0.

The motion prevailed.

Representative Weldon of the 3rd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 318. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding state sales and use tax, so as to provide a definition for durable medical equipment; to provide a new exemption for a limited period of time regarding sales to certain nonprofit volunteer health clinics; to provide a new exemption with respect to certain sales of eligible food and beverages to a qualified food bank; to provide a new exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide a new exemption for kidney dialysis equipment; to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, collection, and assessment of sales and use taxes, so as to provide that certain dealers and retailers may under certain circumstances advertise that the dealer or retailer will pay the purchaser's sales and use tax on a transaction; to provide for definitions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding state sales and use tax, is amended by revising Code Section 48-8-2, relating to definitions regarding state sales and use tax, as follows:

"(15) 'Durable medical equipment' means equipment including repair and replacement parts for the same, but does not include <u>any kidney dialysis equipment or</u> 'mobility enhancing equipment~~,~~' which:

(A) Can withstand repeated use;

(B) Is primarily and customarily used to serve a medical purpose;

(C) Generally is not useful to a person in the absence of illness or injury; and

(D) Is not worn in or on the body."

SECTION 2.

Said part is further amended by revising paragraph (7.3), subparagraph (A) of paragraph (57.1), subparagraph (A) of paragraph (57.2), and paragraphs (90) and (91) and by adding a new paragraph in Code Section 48-8-3, relating to exemptions from sales and use tax, as follows:

"(7.3) For the period commencing July 1, ~~2008~~ <u>2012</u>, and ending ~~June 30, 2010~~ <u>December 31, 2014</u>, sales of tangible personal property and services to a nonprofit volunteer health clinic which primarily treats indigent persons with incomes below 200 percent of the federal poverty level and which property and services are used exclusively by such volunteer health clinic in performing a general treatment function in this state when such volunteer health clinic is a tax exempt organization under the Internal Revenue Code and obtains an exemption determination letter from the commissioner;

(57.1)(A) From July 1, ~~2006~~ <u>2012</u>, until June 30, ~~2010~~ <u>2015</u>, sales of food and food ingredients to a qualified food bank."

"(57.2)(A) For the period commencing July 1, ~~2007~~ <u>2012</u>, and ending on June 30, ~~2011~~ <u>2015</u>, the use of prepared food which is donated to a qualified nonprofit agency and which are used for hunger relief purposes."

"(90) The sale of electricity to a manufacturer located in this state used directly in the manufacture of a product if the direct cost of such electricity exceeds 50 percent of the cost of all materials, including electricity, used directly in the product; ~~or~~

(91) The sale of prewritten software which has been delivered to the purchaser electronically or by means of load and leave~~.~~<u>; or</u>

<u>(92) The sale or use of kidney dialysis equipment, whether or not worn on the body, including repair and replacement parts and supplies used to facilitate the dialysis process, including, but not limited to, dialyzers, fistula needles, connective tubing, and solutions.</u>"

SECTION 3.

Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, collection, and assessment of sales and use taxes, is amended by revising Code Section 48-8-36, relating to prohibition of advertising by dealer of his or her assumption of payment of tax, as follows:

"48-8-36.

(a) As used in this Code section, the term:

(1) 'Consumer goods' shall mean final goods specifically intended for the mass market.

(2) 'Final goods' shall mean goods that are ultimately consumed rather than used in the production of another good.

(b) No person engaged in making retail sales shall advertise or represent to the public in any manner directly or indirectly that he or she will absorb all or any part of the tax or that he or she will relieve the purchaser of the payment of all or any part of the tax imposed by this article unless:

(1) The retail sales are for consumer goods;

(2) The dealer or retailer includes in the advertisement that any portion of the tax not paid by the purchaser will be remitted on behalf of the purchaser by the dealer or retailer; and

(3) The dealer or retailer furnishes the purchaser with written evidence that the dealer or retailer will be liable for and pay any tax the purchaser was relieved from paying under this Code section.

(c) If a dealer or retailer advertises pursuant to subsection (b) of this Code section that any portion of the tax not paid by the purchaser will be remitted on the purchaser's behalf by the dealer or retailer, the dealer or retailer shall be solely liable for and shall pay that portion of the tax. If a dealer or retailer complies with the provisions of this Code section and pays the absorbed tax over to the commissioner as provided by law, the dealer or retailer shall be deemed to have complied with the provisions of this article requiring collection of the tax from the purchaser."

SECTION 4.

This Act shall become effective on July 1, 2012.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Representative Stephens of the 164th moved that the House disagree to the Senate substitute to HB 318.

The motion prevailed.

HB 872. By Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to provide for definitions, procedures, conditions, limitations, and prohibitions relating to the buying and selling of regulated metal property; to provide that secondary metals recyclers shall only purchase coil and certain copper wire from certain persons; to provide that secondary metals recyclers shall only purchase burial objects from certain persons; to change certain provisions relating to records secondary metals recyclers are to required to maintain and provide to sheriffs; to change certain provisions relating to inspections by law enforcement officers; to change certain provisions relating to payment by secondary metals recyclers for regulated metal property; to provide for powers, duties, and authority of sheriffs and other law enforcement officers; to provide for permits and fees; to provide for a state-wide data base; to provide for criminal offenses and penalties; to provide for forfeiture of certain property and procedure therefor; to provide for local regulation of the sale and purchase of regulated metal property; to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to make certain changes for purposes of conformity; to amend Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts; to provide for verification that a vehicle is not subject to any secured interest or lien; to provide for additional changes to said Code section, relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts and verification that a vehicle is not subject to any secured interest or lien, subject to a contingency; to provide for definitions; to amend Code Section 40-3-56 of the Official Code of Georgia Annotated, relating to satisfaction of security interests and liens, so as to change certain

provisions relating to the release of security interests and liens; to provide for related matters; to provide effective dates and a contingency; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by revising Article 14, relating to secondary metals recyclers, to read as follows:

"ARTICLE 14

10-1-350.

As used in this article, the term:

(1) 'Aluminum property' means aluminum forms designed to shape concrete.

(2) 'Burial object' means any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.

(3) 'Coil' means any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.

(4) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

(5) 'Deliverer' means any person who takes or transports the regulated metal property to the secondary metals recycler.

~~(1)~~(6) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

~~(2)~~(7) 'Law enforcement officer' means any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

~~(3)~~(8) 'Nonferrous metals' means stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

~~(4)~~(9) 'Person' means ~~an individual~~ a natural person, partnership, corporation, joint venture, trust, association, ~~and~~ or any other ~~legal~~ business entity.

~~(5)~~(10) 'Personal identification card' means a current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or an appropriate work authorization issued by the U.S. Citizenship and Immigration Services of the

Department of Homeland Security, which shall contain the individual's name, address, and photograph.

~~(6)~~(11) 'Purchase transaction' means a transaction in which ~~a~~ the secondary metals recycler gives consideration in exchange for regulated metal property.

~~(7)~~(12) 'Regulated metal property' means any item composed primarily of any ferrous metals or nonferrous metals~~,~~ and includes aluminum property, copper property, and catalytic converters but shall not include batteries, aluminum beverage containers, used beverage containers, or similar beverage containers.

~~(8)~~(13) 'Secondary metals recycler' means any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for ~~ferrous or nonferrous metals~~ regulated metal property that ~~have~~ has served ~~their~~ its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ~~ferrous metals or nonferrous metals are~~ regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(14) 'Seller' means the rightful owner of the regulated metal property or the person authorized by the rightful owner of the regulated metal property to conduct the purchase transaction; provided, however, that if the rightful owner of the regulated metal property is a person other than a natural person, such owner shall authorize a natural person to conduct the purchase transaction.

10-1-351.

(a) No secondary metals recycler shall purchase any coil unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his or her valid license at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler; or

(2) A seller with verifiable documentation, such as a receipt or work order, indicating that the coils are the result of a replacement of condenser coils or a heating or air-conditioning system performed by a contractor licensed pursuant to Chapter 14 of Title 43.

(b) No secondary metals recycler shall purchase any copper wire which appears to have been exposed to heat, charred, or burned in an attempt to remove insulation surrounding it unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his or her valid license at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler; or

(2) A seller with a copy of a police report showing that such seller's real property was involved in a fire.

10-1-352.

(a) No secondary metals recycler shall purchase a burial object unless it is purchased from:

(1) A funeral director licensed under the provisions of Chapter 18 of Title 43 or by another state who provides a copy of his or her valid license at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A cemetery owner registered pursuant to Code Section 10-14-4 or with another state who provides a copy of his or her valid registration at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied registration is on file with the secondary metals recycler;

(3) A manufacturer or distributor of burial objects who provides a copy of his or her valid business license at the time of sale that is scanned or photocopied by the secondary metals recycler and a letter from the owner or operator of the manufacturing or distributing business expressly recognizing the seller as an employee or authorized agent of the manufacturer or distributor or whose scanned or photocopied business license and letter are on file with the secondary metals recycler; or

(4) A person with verifiable documentation, such as a receipt from or contract with a licensed funeral director, registered cemetery owner, or manufacturer or distributor of burial objects, evidencing that such person is the rightful owner of the burial object.

(b) Any person who sells or purchases a burial object as scrap metal in violation of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 20 years.

~~10-1-351.~~ 10-1-353.

(a) A secondary metals recycler shall maintain a legible record of all purchase transactions ~~to which such secondary metals recycler is a party~~. Such record shall include the following information:

(1) The name and address of the secondary metals recycler;

(2) The date of the transaction;

(3) The weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For purposes of this paragraph, the term 'type of regulated metal property' shall include a general physical description, such as wire, tubing, extrusions, or castings;

(4) A digital photograph or photographs or a digital video image or images of the regulated metal property which shows the regulated metal property in a reasonably clear manner;

~~(4)~~(5) The amount of consideration given in a purchase transaction for the regulated metal property and a copy of the check or voucher or documentation evidencing the electronic funds transfer given as consideration for such purchase transaction;

~~(5)~~(6) A signed and sworn affidavit from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the regulated metal

property or ~~is entitled~~ has been authorized by the rightful owner of the regulated metal property to sell the regulated metal property being sold;

(7) A signed and sworn affidavit from the seller stating that he or she understands that: 'A secondary metals recycler is any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value. No ferrous metals, nonferrous metals, aluminum property, copper property, or catalytic converters (batteries, aluminum beverage containers, used beverage containers, or similar beverage containers are exempt) may be purchased by a secondary metals recycler unless such secondary metals recycler is a holder of a valid permit issued pursuant to Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

~~(6)~~(8) A ~~photocopy~~ scanned or photocopied copy of a valid personal identification card of the ~~person delivering the regulated metal property to the secondary metals recycler~~ seller and the deliverer, if such person is different from the seller;

(9) A photograph, videotape, or digital recording depicting a recognizable facial image of the seller and the deliverer, if such person is different from the seller, employing technology allowing the image to be retained in electronic storage and in a transferable format;

~~(7)~~(10) The distinctive number from, and type of, the personal identification card of the ~~person delivering the regulated metal property to the secondary metals recycler~~ seller and the deliverer, if such person is different from the seller; ~~and~~

~~(8)~~(11) The vehicle license tag number or vehicle identification number, state of issue, and the type of vehicle, if available, used to deliver the regulated metal property to the secondary metals recycler. For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup truck, van, or truck;

(12) A scanned or photocopied copy of the verifiable documentation, reports, licenses, and registrations, required pursuant to Code Sections 10-1-351 and 10-1-352; and

(13) A scanned or photocopied copy of the permit issued by the sheriff pursuant to Code Section 10-1-360, if the regulated metal property is purchased from a secondary metals recycler.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction.

(c) A secondary metals recycler shall provide all of the information required by subsection (a) of this Code section for each transaction, except for the amount of consideration given in a purchase transaction for the regulated metal property specified in paragraph (5) of subsection (a) of this Code section, to the sheriff of the county from which a secondary metals recycler has been issued a permit pursuant to Code Section 10-1-360; provided, however, that if the secondary metals recycler has been issued

more than one permit, then such information shall only be provided to the sheriff of the county in which the purchase transaction took place.

~~(c)~~(d) When the metal being purchased is a motor vehicle, the person offering to sell the motor vehicle to a secondary metals recycler shall either provide the title to such motor vehicle or fully execute a ~~cancellation of certificate of title for scrap vehicles~~ statement on a form as promulgated by the Department of Revenue~~, Motor Vehicle Division, designated as MV-1SP,~~ in accordance with Code Section 40-3-36. The secondary metals recycler shall forward the title or ~~MV-1SP~~ form to the Department of Revenue within 72 hours of receipt of the title or form.

(e) It shall be unlawful to make a false statement in executing the affidavit required by either paragraph (6) or (7) of subsection (a) of this Code section, and the making of a false statement shall be punishable as an act of false swearing under Code Section 16-10-71.

~~10-1-352.~~ 10-1-354.

During the usual and customary business hours of a secondary metals recycler, a law enforcement officer shall, after properly identifying himself or herself as a law enforcement officer, have the right to inspect:

(1) Any and all ~~purchased~~ regulated metal property in the possession of the secondary metals recycler; and

(2) Any and all records required to be maintained under Code Section ~~10-1-351~~ 10-1-353.

~~10-1-352.1.~~ 10-1-355.

~~(a) As used in this Code section, the terms:~~

~~(1) 'Aluminum property' means aluminum forms designed to shape concrete.~~

~~(2) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.~~

~~(b) A secondary metals recycler may pay by check or by cash for any copper property, catalytic converter, or aluminum property as follows:~~

~~(1) Cash payments shall occur no earlier than 24 hours after the copper property, catalytic converter, or aluminum property is provided to the secondary metals recycler; and~~

~~(2) Checks shall be payable only to the person named who was recorded as delivering the copper property, catalytic converter, or aluminum property to the secondary metals recycler; provided, however, that if such person is delivering the copper property, catalytic converter, or aluminum property on behalf of a governmental entity or a nonprofit or for profit business, the check may be payable to such business or entity and may also be transmitted to such business or entity.~~

~~(c) The provisions of this Code section shall not apply to any transaction between business entities.~~

(a) A secondary metals recycler shall pay only by check, voucher, or electronic funds transfer for regulated metal property.

(b) If the seller of the regulated metal property is an employee or authorized agent of a business entity as evidenced by a copy of a valid business license and a letter from the owner or operator of the business expressly recognizing the seller as an employee or authorized agent, then payment for the regulated metal property shall be made only by check or electronic funds transfer, at the option of the seller, made payable to the business entity and mailed to or electronically transferred using the address of such business entity 14 days immediately following the sale.

(c)(1) If the seller of the regulated metal property is not an employee or authorized agent of a business entity or elects to be paid in his or her name, the payment for the regulated metal property shall be by check, electronic funds transfer, or voucher, at the option of the seller.

(2) If the seller elects payment by check or electronic funds transfer pursuant to paragraph (1) of this subsection, the check or electronic funds transfer shall be made payable only to the natural person who was recorded as the seller of the regulated metal property to the secondary metals recycler and mailed to or electronically transferred using the address indicated on the personal identification card of the seller presented at the time of such sale 14 days immediately following the sale.

(3) If the seller elects payment by voucher pursuant to paragraph (1) of this subsection, the secondary metals recycler shall mail the seller a voucher for the amount of regulated metal property purchased 14 days immediately following the sale. Such voucher shall made payable only to the natural person who was recorded as the seller of the regulated metal property to the secondary metals recycler and mailed to the address indicated on the personal identification card of the seller presented at the time of such sale. The voucher shall include the date of purchase, name of the seller, the amount paid for the regulated metal property, a detailed description of the regulated metal property purchased, and the date on which the voucher expires. The voucher may only be redeemed for cash by the person whose name appears on the voucher as the seller or by such person's heirs or legal representative. If a voucher is not redeemed by the person whose name appears on the voucher as the seller or by such person's heirs or legal representative within six months of the date of the transaction, the voucher shall expire and the secondary metals recycler shall not be required to honor the voucher after the expiration date.

~~10-1-353.~~ 10-1-356.

(a) Whenever a law enforcement officer has reasonable cause to believe that any item of regulated metal property in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the notice issued in accordance with this Code section, the secondary metals recycler receiving the notice shall not process or remove the items of regulated metal

property identified in the notice, or any portion thereof, from the premises of or place of business of the secondary metals recycler for 15 calendar days after receipt of the notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the 15 day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the extended hold notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the extended hold notice issued in accordance with this Code section, the secondary metals recycler receiving the extended hold notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the premises of or place of business of the secondary metals recycler for 30 calendar days after receipt of the extended hold notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this Code section, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the regulated metal property unless other disposition has been ordered by a court of competent jurisdiction.

~~10-1-354.~~ 10-1-357.

(a) If the secondary metals recycler contests the identification or ownership of the regulated metal property, the party other than the secondary metals recycler claiming ownership of any regulated metal property in the possession of a secondary metals recycler may, provided that a timely report of the theft of the regulated metal property was made to the proper authorities, bring an action in the superior or state court of the county in which the secondary metals recycler is located or in which the secondary metals recycler has been issued a permit pursuant to Code Section 10-1-360. The petition for such action shall include a description of the means of identification of the regulated metal property utilized by the petitioner to determine ownership of the regulated metal property in the possession of the secondary metals recycler.

(b) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has complied with the provisions of this article, and the ~~person who sold the regulated metal property to the secondary metals recycler~~ seller or deliverer is convicted of theft by taking, theft by conversion, a violation of this article, theft by receiving stolen property, or criminal damage to property in the first degree, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the secondary metals recycler or lawful owner, as appropriate.

~~(c) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has knowingly and intentionally not complied with the provisions of this article, and the secondary metals recycler is convicted of theft by taking, theft by conversion, theft by receiving stolen property, or a violation of this article, the court~~

~~shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the lawful owner.~~

~~10-1-355.~~ 10-1-358.
This article shall not apply to purchases of regulated metal property from:
(1) Organizations, corporations, or associations registered with the state as charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organizations or associations or from any nonprofit corporations or associations;
(2) A law enforcement officer acting in an official capacity;
(3) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof of such status to the secondary metals recycler;
(4) Any public official acting under judicial process or authority who has presented proof of such status to the secondary metals recycler;
(5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof has been presented to the secondary metals recycler; or
(6) A manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

~~10-1-356.~~ 10-1-359.
It shall be unlawful for:
(1) A secondary metals recycler to engage in the purchase or sale of regulated metal property between the hours of ~~9:00~~ 7:00 P.M. and ~~6:00~~ 7:00 A.M.; and
(2) Any person ~~to give a false statement of ownership or~~ to give a false or altered ~~identification or vehicle tag number and receive money or other consideration from a secondary metals recycler in return for regulated metal property~~ personal identification card, vehicle license tag number, or vehicle identification number to a secondary metals recycler as part of a purchase transaction.

10-1-360.
(a) Each secondary metals recycler shall be required to obtain a permit before engaging in the purchase of regulated metal property. If the secondary metals recycler is a person other than a natural person, such person shall obtain a permit from the sheriff of each county in which the secondary metals recycler maintains a place of business. If the secondary metals recycler is a natural person, he or she shall obtain a permit from the sheriff of the county in which he or she resides or if such natural person is a nonresident of this state, he or she shall obtain a permit from the sheriff of the county in Georgia where he or she primarily engages or intends to primarily engage in business as a secondary metals recycler. The secondary metals recycler shall declare on a form provided by the sheriff that he or she is informed of and will comply with the provisions of this article. The sheriff shall issue a permit to the secondary metals recycler and shall keep a record of each permit issued pursuant to this subsection. Each permit shall be valid for 12 months.

(b)(1) The sheriff shall enter into a state-wide electronic data base a record of all permits including, at a minimum, the date of issuance and the name and address of the permit holder. Such data base shall be established through coordination with the Georgia Bureau of Investigation and shall be accessible and searchable by all law enforcement officers in this state.

(2) The sheriff shall enter the information provided to him or her by a secondary metals recycler pursuant to subsection (c) of Code Section 10-1-353 into the data base established pursuant to paragraph (1) of this subsection.

(3) The sheriff shall be authorized to:

(A) Delegate to personnel in the sheriff's office the issuance of permits and entering into the data base of the records of the permits and the information provided to him or her by a secondary metals recycler pursuant to subsection (c) of Code Section 10-1-353; and

(B) Enter into contracts with the governing authority of a county, municipality, or consolidated government for such governing authority to provide by ordinance for the issuance of such permits and the entry of such information into the data base by other law enforcement agencies, by staff of the governing authority, or by secondary metals recyclers. Any such contract shall provide for reimbursement to such governing authority for permit issuance or entry of information into the data base, or both, as is applicable,

(4) The sheriff shall be authorized to assess and require payment of a reasonable permit fee prior to the issuance of each permit for the purpose of establishing and maintaining the data base, not to exceed $200.00.

(c) It shall be unlawful for any secondary metals recycler to purchase regulated metal property in any amount without a valid permit required pursuant to subsection (a) of this Code section.

(d) Any person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

~~10-1-357.~~ 10-1-361.

~~(a) Any person selling regulated metal property to a secondary metals recycler in violation of any provision of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds $500.00, in which case such person shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than $5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

~~(b) Any secondary metals recycler knowingly and intentionally engaging in any practice which constitutes a violation of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated~~

~~metal property, is in an aggregate amount which exceeds $500.00, such secondary metals recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than $5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

(a) Except as provided for in subsection (b) of Code Section 10-1-352, subsection (e) of Code Section 10-1-353, and subsection (c) of Code Section 10-1-360, any person who buys or sells regulated metal property in violation of any provision of this article:

(1) For a first offense, shall be guilty of a misdemeanor;

(2) For a second offense, shall be guilty of a misdemeanor of a high and aggravated nature; and

(3) For a third or subsequent offense, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years.

(b) Any person who buys or sells regulated metal property in violation of any provision of this article shall be liable in a civil action to any person who was the victim of a crime involving such regulated metal property for the full value of the regulated metal property, any repairs and related expenses incurred as a result of such crime, litigation expenses, and reasonable attorneys' fees.

10-1-362.

(a) As used in this Code section, the term:

(1) 'Crime' means:

(A) Theft by taking in violation of Code Section 16-8-2, theft by conversion in violation of Code Section 16-8-4, or theft by receiving stolen property in violation of Code Section 16-8-7 if the subject of the theft was regulated metal property;

(B) Criminal damage to property in the first degree in violation of paragraph (2) of subsection (a) of Code Section 16-7-22; or

(C) A criminal violation of this article.

(2) 'Proceeds' shall have the same meaning as set forth in Code Section 16-13-49.

(3) 'Property' shall have the same meaning as set forth in Code Section 16-13-49.

(b) The following are declared to be contraband, and no person shall have a property right in them:

(1) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a crime and any proceeds derived or realized therefrom; and

(2) Any weapon possessed, used, or available for use in any manner to facilitate a crime.

(c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall be forfeited in accordance with the procedures set forth in Code Section 16-13-49.

~~10-1-358.~~ 10-1-363.

The General Assembly finds that although this article is a matter of state-wide concern, local regulation may nonetheless be appropriate in order to enhance further the ability of law enforcement personnel to perform their duties. ~~This article supersedes and~~

~~preempts all~~ Consequently, this article shall be supplementary to local regulation and shall not supersede or preempt any rules, regulations, codes, ordinances, and other laws adopted by any county, municipality, consolidated government, or other local governmental agency regarding the sale or purchase of regulated metal property."

SECTION 1-2.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, is amended by revising paragraph (9) of subsection (a) of Code Section 16-8-12, relating to penalties for violation of Code Sections 16-8-2 through 16-8-9, as follows:

"(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was ~~ferrous metals or~~ regulated metal property, as such ~~terms are~~ term is defined in Code Section 10-1-350, and the sum of the aggregate amount of such property, in its original and undamaged condition, plus any reasonable costs which are or would be incurred in the repair or the attempt to recover any property damaged in the theft or removal of such regulated metal property, exceeds $500.00, by imprisonment for not less than one nor more than five years, a fine of not more than $5,000.00, or both."

SECTION 1-3.

Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection (a) as follows:

"(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is worth $850.00 or less and is at least 12 model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a secondary metals recycler, a ~~licensed~~ used motor vehicle parts dealer ~~under Code Section 43-47-7~~ licensed pursuant to Chapter 47 of Title 43, or scrap metal processor ~~under Code Section 43-43-1~~. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle, including the year, make, model, vehicle identification number, and color;

(C) The name, address, and driver's license number of the owner;

(D) A certification that the owner:

(i) Never obtained a title to the vehicle in his or her name; or

(ii) Was issued a title for the vehicle, but the title was lost or stolen;

(E) A certification that the vehicle:

(i) Is worth $850.00 or less;

(ii) Is at least 12 model years old; and

(iii) Is not subject to any secured interest or lien;

(F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than $1,000.00 nor more than $5,000.00, or both, to knowingly falsify any information on this statement;

(G) The owner's signature and the date of the transaction;

(H) The name, address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;

(I) A certification by the business that $850.00 or less was paid to acquire the vehicle; ~~and~~

(J) A certification that the business has verified by an on-line method determined by the commissioner that the vehicle is not currently subject to any secured interest or lien; provided, however, that such certification shall not be required until such an on-line method has been established and is available; and

~~(J)~~(K) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(3) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the Georgia certificate of title and registration."

SECTION 1-4.

Said Code section is further amended by adding a new subsection to read as follows:

"(j) As used in this Code section, the terms:

(1) 'Scrap metal processor' shall have the same meaning as set forth in Code Section 43-43-1.

(2) 'Secondary metals recycler' shall have the same meaning as set forth in Code Section 10-1-350.

(3) 'Used motor vehicle parts dealer' shall have the same meaning as set forth in Code Section 43-47-2."

SECTION 1-5.

Code Section 40-3-56 of the Official Code of Georgia Annotated, relating to satisfaction of security interests and liens, is amended by revising paragraph (1) of subsection (a) and revising subsection (c) as follows:

"(a)(1) If any security interest or lien listed on a certificate of title is satisfied, the holder thereof shall, within ten days ~~after demand~~, execute a release in the form the commissioner prescribes and mail or deliver the release to the commissioner and the owner, provided that as an alternative to a handwritten signature, the commissioner may authorize use of a digital signature as long as appropriate security measures are implemented which assure security and verification of the digital signature process, in

accordance with regulations promulgated by the commissioner. For the purposes of the release of a security interest or lien the 'holder' of the lien or security interest is the parent bank or other lending institution and any branch or office of the parent institution may execute such release."

"(c) Except for liens and security interests listed on certificates of title for mobile homes, cranes, or vehicles which weigh more than 10,000 pounds gross vehicle weight, which shall be satisfied only in conformity with subsections (a) and (b) of this Code section, any lien or security interest for a vehicle which is 11 model years old or less shall be considered satisfied and release shall not be required after ten years from the date of issuance of a title on which such lien or security interest is listed. For a vehicle which is 12 model years old and greater, any lien or security interest shall be considered satisfied and a release shall not be required after four years from the date of issuance of a title on which such lien or security interest is listed. None of the provisions of this Code section shall preclude the perfection of a new lien or security agreement, or the perfection of an extension of a lien or security agreement beyond a period of ten years for a vehicle which is 11 model years old or less or beyond a period of more than four years for a vehicle which is 12 model years old or greater, by application for a new certificate of title on which such lien or security agreement is listed. In order to provide for the continuous perfection of a lien or security interest originally entered into for a period of more than ten years for a vehicle which is 11 model years old or less or more than four years for a vehicle which is 12 model years old and greater, other than a mobile home, crane, or vehicle which weighs more than 10,000 pounds gross vehicle weight, an application for a second title on which the lien or security interest is listed must be submitted to the commissioner or the commissioner's duly authorized tag agent before ten years from the date of the original title on which such lien or security interest is listed. Otherwise the lien or security interest shall be perfected as of the date of receipt of the application by the commissioner or the commissioner's duly authorized county tag agent."

PART II
SECTION 2-1.

Code Section 40-3-36 of the Official Code of Georgia Annotated, as amended by Section 21(b) of Ga. L. 2011, p. 355, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection (a) as follows:

"(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is worth $850.00 or less and is at least 12 model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed

used motor vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section 43-43-1. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle including the year, make, model, vehicle identification number, and color;

(C) The name, address, and driver's license number of the owner;

(D) A certification that the owner:

(i) Never obtained a title to the vehicle in his or her name; or

(ii) Was issued a title for the vehicle, but the title was lost or stolen;

(E) A certification that the vehicle:

(i) Is worth $850.00 or less;

(ii) Is at least 12 model years old; and

(iii) Is not subject to any secured interest or lien;

(F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than $1,000.00 nor more than $5,000.00, or both, to knowingly falsify any information on this statement;

(G) The owner's signature and the date of the transaction;

(H) The name, address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;

(I) A certification by the business that $850.00 or less was paid to acquire the vehicle; ~~and~~

(J) A certification that the business has verified by an on-line method determined by the commissioner that the vehicle is not currently subject to any secured interest or lien; provided, however, that such certification shall not be required until such an on-line method has been established and is available; and

~~(J)~~(K) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(3)(A) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the Georgia certificate of title and registration.

(B) Notwithstanding the requirement to mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department, the department shall provide a mechanism for the receipt of the information required to be obtained in the statement by electronic means, at no cost to the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor, in lieu of the physical delivery of the statement, in which case the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall maintain the original statement for a period of not less than two years.

(C) Within 48 hours of each day's close of business, the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, either by facsimile or by other electronic means to be made available by the department by January 1, 2012, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

(i) The name, address, and contact information for the reporting entity;

(ii) The vehicle identification numbers of such vehicles;

(iii) The dates such vehicles were obtained;

(iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;

(v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;

(vi) A statement of whether the vehicle is intended for export out of the United States; and

(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

There shall be no charge to ~~either~~ a secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor associated with providing this information to the department.

(D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible, in which case the purchasing or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or contract between the seller and the purchasing or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor which clearly identifies the seller by a government issued photograph identification card, or employer identification number, and shall be maintained for a period of not less than two years.

(E) The information obtained by the department in accordance with this subsection shall be reported to the National Motor Vehicle Title Information System, in a format which will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(F) The information obtained by the department in accordance with this subsection shall be made available only to law enforcement agencies, and for purposes of canceling certificates of title, and shall otherwise be considered to be confidential business information of the respective reporting entities.

(G) All records required under the provisions of this Code section shall be maintained for a period of two years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state issued identification card."

SECTION 2-2.

Said Code section is further amended by adding a new subsection to read as follows:

"(j) As used in this Code section, the terms:

(1) 'Scrap metal processor' shall have the same meaning as set forth in Code Section 43-43-1.

(2) 'Secondary metals recycler' shall have the same meaning as set forth in Code Section 10-1-350.

(3) 'Used motor vehicle parts dealer' shall have the same meaning as set forth in Code Section 43-47-2."

PART III

SECTION 3-1.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2012, and shall apply to all offenses committed on or after such date.

(b) Part II of this Act shall become effective only upon Section .1 of Ga. L. 2011, p. 355 becoming effective as provided by Section 21(b) of that Act.

SECTION 3-2.

All laws and parts of laws in conflict with this Act are repealed.

Representative Shaw of the 176th moved that the House disagree to the Senate substitute to HB 872.

The motion prevailed.

SB 110. By Senators Murphy of the 27th, Bulloch of the 11th, Miller of the 49th, Gooch of the 51st, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 12-8-25.3 of the Official Code of Georgia Annotated, relating to further restrictions on municipal solid waste landfill sites within significant ground-water recharge areas or near military air space used as a bombing range and untreated municipal sewage sludge, so as to repeal certain provisions relating to restrictions on municipal solid waste landfill sites within significant ground-water recharge areas; to eliminate a reference to such provisions; to repeal conflicting laws; and for other purposes.

Representative Smith of the 129th moved that the House insist on its position in substituting SB 110.

The motion prevailed.

HB 851. By Representatives Rice of the 51st, Powell of the 29th and Sheldon of the 105th:

A BILL to be entitled an Act to amend Code Section 48-6-73 of the Official Code of Georgia Annotated, relating to reports and distributions regarding the taxation of intangibles, so as to change certain requirements regarding the rates to be charged by collecting officers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-6-73 of the Official Code of Georgia Annotated, relating to reports and distributions regarding the taxation of intangibles, so as to change certain requirements regarding the rates to be charged by collecting officers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-6-73 of the Official Code of Georgia Annotated, relating to reports and distributions regarding the taxation of intangibles, is revised as follows:

"48-6-73.

Each collecting officer shall make a report to the commissioner by the tenth day of each month on forms prescribed by the commissioner of all sums collected and remitted under this article for the preceding month. The collecting officer shall retain 6 percent of the tax collected as compensation for said officer's services in collecting the tax. All such taxes shall be deemed to have been collected by the collecting officer in said officer's official capacity. Failure to collect and distribute the tax as provided by law shall constitute a breach of the official duty and of the official bond of the collecting officer. In each county in which the collecting officer is on a salary, the 6 percent commission allowed by this Code section shall be paid into the county treasury and shall become county property. The long-term notes secured by real property upon which this tax is based shall not be placed upon the property tax digest prepared and

maintained by the tax receiver. It is the intention of the General Assembly that the 6 percent commission permitted under this article for the collection and distribution of this tax by the collecting officer shall be the only compensation permitted to any collecting officer with respect to this tax. ~~In counties having a population of more than 650,000, according to the United States decennial census of 2000 or any future such census, however, the commission allowed under this article as compensation to the collecting officer shall be 4 percent.~~"

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Rice of the 51st moved that the House disagree to the Senate substitute to HB 851.

The motion prevailed.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 745. By Representatives Welch of the 110th, Ramsey of the 72nd, Cooper of the 41st, Manning of the 32nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to provide for legislative findings relating to newborn screening for congenital heart defects; to require the Department of Public Health to study whether pulse oximetry screening should be a standard test for all newborns for the detection of congenital heart defects; to provide for a report to legislative committees; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 746. By Representatives Maddox of the 127th, Willard of the 49th, McCall of the 30th, Roberts of the 154th and Burns of the 157th:

A BILL to be entitled an Act to amend Code Section 2-2-9.1 of the Official Code of Georgia Annotated, relating to the administrative authority of the Commissioner of Agriculture on hearings for individuals adversely affected, so as to clarify the timing of the Commissioner's final decision and decision for reconsideration of the final decision; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 811. By Representatives Powell of the 171st, Meadows of the 5th, England of the 108th, Hamilton of the 23rd, Nix of the 69th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to management of budgetary and financial affairs, so as to provide for automatic fee adjustments in cases where funds are not appropriated in certain amounts for specified purposes when certain fees are imposed for such purposes; to provide for definitions, procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

SB 203. By Senators Bethel of the 54th, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 23 of Title 33 of the Official Code of Annotated, relating to licensing of agents, agencies, subagents, counselors, and adjusters, so as to provide that certain individuals who collect and input data into an automated claims adjudication system are exempt from licensure; to provide for definitions; to change certain resident independent adjuster license requirements; to add certain nonresident independent adjuster license requirements; to provided for related matters; to repeal conflicting laws; and for other purposes.

Representative Shaw of the 176th moved that the House insist on its position in substituting SB 203.

The motion prevailed.

HB 1198. By Representatives Meadows of the 5th, Houston of the 170th, Smith of the 131st, Hembree of the 67th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions for parent and child relationships generally, so as to modify provisions relating to grandparent visitation rights; to provide for an opportunity to seek grandparent visitation in cases where the parent is deceased, incapacitated, or incarcerated or otherwise unable to exercise his or her discretion regarding a decision to permit grandparent visitation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions for parent and child relationships generally, so as to modify provisions relating to grandparent visitation rights; to provide for an opportunity to seek grandparent visitation in cases where the parent is deceased, incapacitated, or incarcerated or otherwise unable to exercise his or her discretion regarding a decision to permit grandparent visitation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions for parent and child relationships generally, is amended by revising Code Section 19-7-3, relating to "grandparent" defined, original actions for visitation rights or intervention, revocation or amendment of visitation rights, appointment of guardian ad litem, mediation, and hearing, as follows:

"19-7-3.

(a) As used in this Code section, the term 'grandparent' means the parent of a parent of a minor child, the parent of a minor child's parent who has died, and the parent of a minor child's parent whose parental rights have been terminated.

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, any grandparent shall have the right to file an original action for visitation rights to a minor child or to intervene in and seek to obtain visitation rights in any action in which any court in this state shall have before it any question concerning the custody of a minor child, a divorce of the parents or a parent of such minor child, a termination of the parental rights of either parent of such minor child, or visitation

rights concerning such minor child or whenever there has been an adoption in which the adopted child has been adopted by the child's blood relative or by a stepparent, notwithstanding the provisions of Code Section 19-8-19.

(2) This subsection shall not authorize an original action where the parents of the minor child are not separated and the child is living with both ~~of the~~ parents.

(c)(1) Upon the filing of an original action or upon intervention in an existing proceeding under subsection (b) of this Code section, the court may grant any grandparent of the child reasonable visitation rights if the court finds the health or welfare of the child would be harmed unless such visitation is granted~~,~~ and if the best interests of the child would be served by such visitation. In considering whether the health or welfare of the child would be harmed without such visitation, the court shall consider and may find that harm to the child is reasonably likely to result where, prior to the original action or intervention:

(A) The minor child resided with the grandparent for six months or more;

(B) The grandparent provided financial support for the basic needs of the child for at least one year;

(C) There was an established pattern of regular visitation or child care by the grandparent with the child; or

(D) Any other circumstance exists indicating that emotional or physical harm would be reasonably likely to result if such visitation is not granted.

The court shall make specific written findings of fact in support of its rulings. ~~There shall be no presumption in favor of visitation by any grandparent.~~

(2) An original action requesting visitation rights shall not be filed by any grandparent more than once during any two-year period and shall not be filed during any year in which another custody action has been filed concerning the child. After visitation rights have been granted to any grandparent, the legal custodian, guardian of the person, or parent of the child may petition the court for revocation or amendment of such visitation rights, for good cause shown, which the court, in its discretion, may grant or deny; but such a petition shall not be filed more than once in any two-year period.

(3) While a parent's decision regarding grandparent visitation shall be given deference by the court, the parent's decision shall not be conclusive when failure to provide grandparent contact would result in emotional harm to the child. A court may presume that a child who is denied any contact with his or her grandparent or who is not provided some minimal opportunity for contact with his or her grandparent may suffer emotional injury that is harmful to such child's health. Such presumption shall be a rebuttable presumption.

(4) In no case shall the granting of visitation rights to a grandparent interfere with a child's school or regularly scheduled extracurricular activities. Visitation time awarded to a grandparent shall not be less than 24 hours in any one-month period.

(d) Notwithstanding the provisions of subsections (b) and (c) of this Code section, if one of the parents of a minor child dies, is incapacitated, or is incarcerated, the court may award the parent of the deceased, incapacitated, or incarcerated parent of such

minor child reasonable visitation to such child during his or her minority if the court in its discretion finds that such visitation would be in the best interests of the child. The custodial parent's judgment as to the best interests of the child regarding visitation shall be given deference by the court but shall not be conclusive.

~~(d)~~(e) If the court finds that the grandparent or grandparents can bear the cost without unreasonable financial hardship, the court, at the sole expense of the petitioning grandparent or grandparents, may:

(1) Appoint a guardian ad litem for the minor child; and

(2) Assign the issue of visitation rights of a grandparent for mediation.

~~(e)~~(f) In the event that the court does not order mediation or upon failure of the parties to reach an agreement through mediation, the court shall fix a time for the hearing of the issue of visitation rights of the grandparent or grandparents.

(g) Whether or not visitation is awarded to a grandparent, the court may direct a custodial parent, by court order, to notify such grandparent of every performance of the minor child to which the public is admitted, including, but not limited to, musical concerts, graduations, recitals, and sporting events or games."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Meadows of the 5th moved that the House agree to the Senate substitute to HB 1198.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	E Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	E Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	E Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	Y James	Y O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D

Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
E Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Kidd	Y Purcell	Y Welch
Casas	E Gordon	Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 163, nays 0.

The motion prevailed.

Representative Williams of the 89th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Golick of the 34th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 350 Do Pass

Respectfully submitted,
/s/ Golick of the 34th
Chairman

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 347. By Representatives Hembree of the 67th, Meadows of the 5th, Lindsey of the 54th, Maxwell of the 17th, Murphy of the 120th and others:

A BILL to be entitled an Act to amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain provisions relating to unemployment compensation; to change the amount of taxable wages; to change certain provisions relating to determination of the weekly benefit amount; to change certain provisions relating to determination of eligibility for unemployment benefits generally so as to require a waiting period of one week; to provide for related matters; to provide for severability; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by revising paragraph (1) of subsection (b) of Code Section 34-8-49, relating to wages, as follows:

"(1) For the purposes of Code Section 34-8-20 and Articles 5 and 6 of this chapter, except Code Sections 34-8-156 and 34-8-157, any remuneration paid in excess of taxable wages. For purposes of this chapter, 'taxable wages' means that portion of remuneration paid by an employer to each employee, subject to unemployment insurance contributions for each calendar year which does not exceed the following amounts:

(A) For the period January 1, 1976, through December 31, 1982 — $6,000.00;

(B) For the period January 1, 1983, through December 31, 1985 — $7,000.00;

(C) For the period January 1, 1986, through December 31, 1989 — $7,500.00; ~~and~~

(D) <u>For the period</u> January 1, 1990, ~~and thereafter~~ <u>through December 31, 2012</u> — $8,500.00; <u>and</u>

<u>(E) January 1, 2013, and thereafter – $9,500.00</u>;

provided, however, that in cases of successorship of an employer, the amount of wages paid by the predecessor shall be considered for purposes of this provision as having been paid by the successor employer;"

SECTION 2.

Said chapter is further amended by revising subparagraph (d)(4)(B) of Code Section 34-8-156, relating to the State-wide Reserve Ratio, as follows:

"(B) Except for any year or portion of a year during which the provisions of paragraph (1) of subsection (f) of Code Section 34-8-155 apply, when the State-wide Reserve Ratio, as calculated above, is less than 1.7 percent, there shall be an overall increase in the rate, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155 in accordance with the following table:

If the State-wide Reserve Ratio:

Equals or Exceeds	But Is Less Than	Overall Increase
1.5 percent	1.7 percent	25 percent
1.25 percent	1.5 percent	50 percent
0.75 percent	1.25 percent	75 percent
Under 0.75 percent		100 percent

provided, however, that for the periods of January 1 through December 31, 2004; January 1 through December 31, 2005; and January 1 through December 31, 2006, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.00 percent on the computation date with respect to rates applicable to calendar year 2004, 2005, or 2006, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 35 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; and provided, further, that for the periods of January 1 through December 31, 2007, January 1 through December 31, 2008, January 1 through December 31, 2009, January 1 through December 31, 2010, January 1 through December 31, 2011, and January 1 through December 31, 2012, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2007, 2008, 2009, 2010, 2011, or 2012, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; and provided, further, that for the period of January 1 through December 31, 2013, and for each calendar year period thereafter, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this

subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2013 or any calendar year thereafter, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; provided, however, that if any funds borrowed by the Commissioner from the United States Treasury pursuant to Code Section 34-8-87 are unpaid or if the Unemployment Compensation Fund balance is less than $1 billion, then the Commissioner of Labor shall impose an increase in the overall rate of 50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155."

SECTION 3.

Said chapter is further amended by revising subsection (d) of Code Section 34-8-193, relating to determination of weekly benefit amount, as follows:

"(d)(1) Except as otherwise provided in this subsection, the maximum benefits payable to an individual in a benefit year shall be the lesser of: ~~26 times the weekly amount or~~

(A) Twelve times the weekly benefit amount, if this state's average unemployment rate is at or below 5.49 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 5.49 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent; or

(B) ~~one-fourth~~ One-fourth of the base period wages.

If the amount computed is not a multiple of the weekly benefit amount, the total will be adjusted to the nearest multiple of the weekly benefit amount. The duration of benefits shall be extended in accordance with Code Section 34-8-197.

(2) In addition to and subsequent to payment of all benefits otherwise allowed under paragraph (1) of this subsection and without restriction with respect to an individual's benefit year, for claims filed on or after January 1, 2010, weekly unemployment compensation shall be payable under this subsection to any individual who is unemployed, has exhausted all rights to regular unemployment compensation under the provisions of Article 7 of this chapter, and is enrolled and making satisfactory progress, as determined by the Commissioner, in a training program approved by the department, or in a job training program authorized under the Workforce Investment Act of 1998, Public Law 105-220, and not receiving similar stipends or other training allowances for nontraining costs. Each such training program approved by the department or job training program authorized under the Workforce Investment Act of 1998 shall prepare individuals who have been separated from a declining occupation, as designated by the department from time to time, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-

demand occupation, as designated by the department from time to time. The amount of unemployment compensation payable under this subsection to an individual for a week of unemployment shall be equal to the individual's weekly benefit amount for the individual's most recent benefit year less deductible earnings, if any. The total amount of unemployment compensation payable under this subsection to any individual shall be equal to ~~at least 26~~ 12 times the individual's weekly benefit amount for the individual's most recent benefit year, if this state's average unemployment rate is at or below 5.49 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 5.49 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent. The provisions of subsection (d) of Code Section 34-8-195 shall apply to eligibility for benefits under this subsection. Except when the result would be inconsistent with other provisions of this subsection, all other provisions of Article 7 of this chapter shall apply to the administration of the provisions of this subsection.

(3) As used in this subsection, the term 'state's average unemployment rate' means the average of the adjusted state-wide unemployment rates as published by the department for the time periods of April 1 through April 30 and October 1 through October 31. The average of the adjusted state-wide unemployment rates for the time period of April 1 through April 30 shall be effective on and after July 1 of each year and shall be effective through December 31. The average of the adjusted state-wide unemployment rates for the time period of October 1 through October 31 shall be effective on and after January 1 of each year and shall be effective through June 30."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 34-8-195, relating to determination of eligibility for unemployment benefits generally, eligibility while in training, and deductions and withholdings from compensation**,** as follows:

"(a) An unemployed individual shall be eligible to receive benefits for any week only if such unemployed individual shows to the satisfaction of the Commissioner that each of the following conditions has been met:

(1) The individual has made a claim, has been unemployed or employed less than full time during the regular work week, and has reported his or her deductible earnings in accordance with Code Section 34-8-190;

(2) The individual has registered for work and has continued to report to an employment office as required by regulations prescribed by the Commissioner. The Commissioner may, by regulation, waive or alter either or both of the requirements of this paragraph for cases or situations in which the Commissioner finds that compliance with the requirements would be oppressive or inconsistent with the purposes of this chapter;

(3)(A) The individual is able to work, is available for work, is actively seeking work, and is bona fide in the labor market; provided, however, that no individual shall be considered available for work or receive benefits for any period that:

(i) The individual is away from work on vacation or leave of absence at the individual's own request;

(ii) The individual is away from work for a vacation period as provided in an employment contract or collective bargaining agreement; or

(iii) The individual is away from work for a vacation period in the absence of an employment contract or collective bargaining agreement and such vacation period is either pursuant to:

(I) An established employer custom, practice, or policy as evidenced by the previous year or years; or

(II) A vacation policy and practice established by the employer by an announcement, made at least 30 days before the beginning of the scheduled period, of a paid vacation plan applicable to the employees who meet the eligibility requirements of the plan.

(B) In no event shall an employee be held unavailable for work or ineligible for benefits under divisions (ii) and (iii) of subparagraph (A) of this paragraph for any period of more than two weeks in any calendar year when such employee is not paid for such period directly or indirectly by the employer or from a fund to which the employer contributes. The usual eligibility requirements shall apply to individuals laid off due to lack of work or for a purported vacation not meeting the conditions set forth in subparagraph (A) of this paragraph;

(4) The individual has participated in reemployment services, such as job search assistance services, if the individual was determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the Commissioner unless the Commissioner determines that:

(A) Such individual has completed such reemployment services; or

(B) There is justifiable cause for such individual's failure to participate in such reemployment services;

(5) The individual is willing to work under the same general terms and conditions as existed since the beginning of the base period; ~~and~~

(6) The individual has been paid sufficient wages for insured work to qualify for a weekly benefit amount as provided in Code Section 34-8-193; and

(7) The individual has served a required waiting period of one week during which no benefits shall be payable; provided, however, that not more than one week of a waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for benefits. Such waiting period shall commence on the first day of the first week in which the individual first files a claim for benefits. This paragraph shall apply to any claims filed on or after July 1, 2012."

SECTION 5.

In the event any section, subsection, paragraph, subparagraph, item, sentence, clause, phrase, or word of this Act is declared or adjudged to be invalid or unconstitutional, the remaining portions of this Act shall automatically be repealed upon the entry of such declaration or adjudication and shall not remain of full force and effect after such

declaration or adjudication. The General Assembly declares that it would not have enacted the remaining parts of this Act if it had known that such portion of this Act would be declared or adjudged invalid or unconstitutional.

SECTION 6.

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
(b) Section 3 of this Act shall become effective on July 1, 2012.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

Representative Pruett of the 144th moved that the House disagree to the Senate substitute to HB 347.

The motion prevailed.

SB 332. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Loudermilk of the 52nd, Albers of the 56th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use tax, so as to expand the matters which are included in annual reporting of the expenditure of certain special purpose local option sales tax proceeds; to provide for enforcement actions by the Attorney General; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House substitute to SB 332 (LC 34 3500S) by adding after "General;" *on line 8 the following:*
to amend Article 6 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, as enacted by Section 5-4 of HB 386 in the 2012 regular session of the General Assembly, relating to a local excise tax on energy used in manufacturing, to provide for certain procedures to be used to implement a local excise tax on energy; to provide for effective dates;

By adding between lines 65 and 66 the following:

SECTION 4.

Article 6 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, as enacted by Section 5-4 of HB 386 in the 2012 regular session of the General Assembly, relating to a local excise tax on energy used in manufacturing, is amended by revising Code Section 48-13-115, relating to the implementation of the excise tax, as follows:

"48-13-115.

(a)(1) Within 30 days following the meeting required under Code Section 48-13-113, if the governing authority of the county within the special district fails or refuses to enter into an intergovernmental agreement with the governing authority of each municipality wishing to participate in such excise tax, then the governing authority of each municipality wishing to levy the excise tax shall be authorized to adopt an ordinance levying the excise tax within the corporate limits of such municipality. If a county elects not to participate in such excise tax by not signing such agreement, then the county shall not receive any proceeds from the excise tax. The proceeds of such excise tax shall be deposited in the general fund of each municipality.

(2) If, subsequent to the levy of an excise tax by a municipality under paragraph (1) of this subsection, a county determines to commence proceedings for the imposition of the excise tax under this article, then proceedings for such imposition shall commence in the same manner as otherwise provided under Code Section 48-13-113. Except as to a municipality that levies a water and sewer projects and costs tax pursuant to Article 4 of Chapter 8 of this title, if a county complies with the requirements of this article and enacts an ordinance imposing the excise tax, the excise tax levied by such municipality shall cease on the day immediately prior to the day the new tax levied by the county commences. If such municipality elects not to participate, its current excise tax under this article shall terminate on the date the county's tax levy becomes effective, and it shall not receive any proceeds under the county levy.

(b)(1) If a municipality located within a special district where the excise tax is imposed by the county is not participating in such excise tax and is not receiving proceeds of that excise tax, the governing authority of that nonparticipating municipality may give written notice to the governing authority of the county and the governing authority of each participating municipality within the special district of its decision to opt in to the existing intergovernmental agreement. Within 60 days of the date of such notice, an amended intergovernmental agreement shall be executed by the governing authority of the municipality exercising such opt in and the governing authorities of the county and each currently participating municipality.

(2) Notwithstanding the provisions of paragraph (1) of subsection (a) of Code Section 48-13-116, when an amended intergovernmental agreement is executed pursuant to paragraph (1) of this subsection, the revised distribution of proceeds thereunder shall not become effective until the first day of the first month which is at least 12 months after the execution of such amended intergovernmental agreement. The distribution of proceeds of the excise tax shall continue under the prior intergovernmental agreement until the date provided for in this paragraph.

(c) Any county that desires to have an excise tax under this article levied county wide within the special district commencing January 1, 2013, shall deliver the written notice pursuant to Code Section 48-13-113 no later than September 1, 2012."

SECTION 5.

Said article is further amended by revising Code Section 48-13-116, as enacted by Section 5-4 of HB 386 in the 2012 regular session of the General Assembly, relating to procedures and limitations on the local excise tax on energy, as follows:

"48-13-116.

(a)(1) Except as otherwise provided in Code Section 48-13-115, an excise tax imposed under this article shall become effective on the first day of the next succeeding month following adoption of the ordinance unless otherwise specified in the intergovernmental agreement required by subsection (a) of Code Section 48-13-114, except that no such tax shall be imposed prior to January 1, 2013.

(2) If services are regularly billed on a monthly basis, however, the excise tax shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in paragraph (1) of this subsection.

(b) The excise tax shall cease to be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the adoption date of an ordinance terminating the excise tax.

(c) At no time shall more than a single 2 percent excise tax under this article be imposed within a special district or a municipality, except that in the event a municipality levies a water and sewer projects and costs tax pursuant to Article 4 of Chapter 8 of this title, a single 3 percent excise tax may be imposed within such municipality.

(d) Following the termination of an excise tax under this article, the governing authority of a county within a special district or the mayor or chief elected official of a municipality in the special district in which an excise tax authorized by this article is in effect may initiate proceedings for the reimposition of a tax under this article in the same manner as provided in this article for the initial imposition of such tax."

SECTION 6.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2012.

(b) Sections 4 and 5 of this Act shall become effective on January 1, 2013.

By redesignating Section 4 on line 66 as Section 7.

Representative Stephens of the 164th moved that the House agree to the Senate amendment to the House substitute to SB 332.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
N Allison
Y Amerson
Y Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
E Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
E Bryant
Y Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
N Clark, J
Y Clark, V
Y Coleman
N Collins
Y Cooke
Coomer
Y Cooper
Y Crawford
Y Davis
Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
N Dollar
Y Drenner
N Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
E Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
N Harden, M
N Harrell
Y Hatchett
N Hatfield
Y Heard
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
N Holt
N Horne
N Houston
Y Howard
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
N Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Jordan
Y Kaiser
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Manning
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Y Morgan
Y Morris
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
N Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
N Powell, J
Y Pruett
Y Purcell
Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
N Rogers, C
N Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Setzler
Y Shaw
N Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
N Smith, T
Y Smyre
N Spencer
E Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
N Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williams, R
N Williamson
Y Yates
Ralston, Speaker

On the motion the ayes were 143, nays 22.

The motion prevailed.

Representative Clark of the 98th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Hamilton of the 23rd stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 100. By Representatives Peake of the 137th, Williams of the 4th, Lindsey of the 54th, Knight of the 126th, Abrams of the 84th and others:

A BILL to be entitled an Act to amend Titles 15, 9, 48, and 50 of the Official Code of Georgia Annotated, relating, respectively, to courts, civil practice, revenue and taxation, and state government, so as to create the Georgia Tax Court as a pilot project of limited duration under Article VI, Section I, Paragraph X of the Georgia Constitution; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 48 and 50 of the Official Code of Georgia Annotated, relating, respectively, to revenue and taxation and state government, so as to create the Georgia Tax Tribunal as an independent and autonomous division within the Office of State Administrative Hearings operating under the sole direction of a chief tribunal judge; to repeal provisions relating to the Department of Revenue holding hearings when demanded by aggrieved taxpayers; to correct cross-references; to provide for a short title; to provide for legislative findings; to provide for the appointment, terms of office, designation, and removal of judges; to provide for the qualification, oath of office, and prohibition against other employment of judges; to provide for the principal office, locations, and facilities of the tax tribunal; to provide for the appointment of staff and expenditures of the tax tribunal; to provide for the jurisdiction of the tax tribunal; to provide for the commencement of cases, pleadings, and service of pleadings; to provide a stay of enforcement and collection action; to provide for filing and other fees; to provide procedures for hearings and decisions of the tax tribunal; to establish and provide the jurisdiction and procedures for a small claims division of the tax tribunal; to provide for appeals from tax tribunal decisions; to provide for representation in the tax tribunal; to provide for service; to authorize the tax tribunal to promulgate rules of practice and procedure and forms; to provide for powers, duties, and authority of the tax tribunal and the small claims division; to provide for procedures, conditions, and limitations; to provide for related matters; to provide for effective dates; to provide for dual applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (c) of Code Section 48-2-18, relating to State Board of Equalization, as follows:

"(c) As ~~chairman~~ chairperson and chief administrative officer of the board, the commissioner shall furnish to the board all necessary records and files and in this capacity may compel the attendance of witnesses and the production of books and

records or other documents as ~~he~~ the commissioner is empowered to do in the administration of the tax laws. After final approval by the State Board of Equalization of the digest of proposed assessments made by the commissioner and after any adjustments by the board as authorized by this Code section are made, the commissioner shall notify within 30 days each taxpayer in writing of the proposed assessment of its property. At the same time, the commissioner shall notify in writing the board of tax assessors of such county, as outlined in Code Section 48-5-511, of the total proposed assessment of the property located within the county of taxpayers who are required to return their property to the ~~commission~~ commissioner. If any such taxpayer notifies the commissioner and the board of tax assessors in any such county of its intent to dispute a portion of the proposed assessment within 20 days after receipt of the notice, the county board of tax assessors shall include in the county digest only the undisputed amount of the assessment, and the taxpayer may challenge the commissioner's proposed assessment in an appeal filed in the Superior Court of Fulton County or with the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 within 30 days of receipt of the notice. In any such appeal to the superior court, the taxpayer shall have the right of discovery as provided in Chapter 11 of Title 9, the 'Georgia Civil Practice Act.' In any such appeal to the Georgia Tax Tribunal, discovery shall be as provided in Chapter 13A of Title 50, the 'Georgia Tax Tribunal Act of 2012.' Upon conclusion of the appeal, the taxpayer shall remit to the appropriate counties any additional taxes owed, with interest at the rate provided by law for judgments. Such interest shall accrue from the date the taxes would have been due absent the appeal to the date the additional taxes are remitted."

SECTION 2.

Said title is further amended by revising paragraph (4) of subsection (c) of Code Section 48-2-35, relating to refunds, as follows:

"(4) Any taxpayer whose claim for refund is denied by the commissioner or the commissioner's delegate or whose claim is not decided by the commissioner or the commissioner's delegate within one year from the date of filing the claim shall have the right to bring an action for a refund in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or in the superior court of the county of the residence of the taxpayer, except that:

(A) If the taxpayer is a public utility or a nonresident, the taxpayer shall have the right to bring an action for a refund in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or in the superior court of the county in which is located the taxpayer's principal place of doing business in this state or in which the taxpayer's chief or highest corporate officer or employee resident in this state maintains an office; or

(B) If the taxpayer is a nonresident individual or foreign corporation having no place of doing business and no officer or employee resident and maintaining an office in this state, the taxpayer shall have the right to bring an action for a refund in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or in the

Superior Court of Fulton County or in the superior court of the county in which the commissioner in office at the time the action is filed resides."

SECTION 3.

Said title is further amended by revising paragraph (3) of subsection (c) of Code Section 48-2-36, relating to actions for which the commissioner may grant extensions of time, as follows:

"(3) Filing a petition with the superior court, the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50, or the office of state administrative hearings as allowed under the laws of this state;"

SECTION 4.

Said title is further amended by revising subsection (a) of Code Section 48-2-50, relating to review of assessments, as follows:

"(a) The commissioner's assessments shall not be reviewed except by the procedure provided in this chapter or Chapter 13A of Title 50. No trial court shall have jurisdiction of proceedings to question the assessments, except as provided in this chapter or Chapter 13A of Title 50."

SECTION 5.

Said title is further amended by revising Code Section 48-2-59, relating to appeals, payment of taxes admittedly owed, bonds, and costs, as follows:

"48-2-59.

(a) Except with respect to claims for refunds, either party may appeal from any order, ruling, or finding of the commissioner to the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or the superior court of the county of the residence of the taxpayer, except that:

(1) If the taxpayer is a public utility or nonresident, the appeal of either party shall be to the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or the superior court of the county in which is located the taxpayer's principal place of doing business or in which the taxpayer's chief or highest corporate officer residing in this state maintains ~~his~~ such officer's office; or

(2) If the taxpayer is a nonresident individual or a foreign corporation having no place of doing business and no officer or employee residing and maintaining ~~his~~ such officer's office in this state, the taxpayer shall have the right to appeal to the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or the Superior Court of Fulton County or to the superior court of the county in which the commissioner in office at the time the action is filed resides.

(b) The ~~appeal and necessary records shall be certified by the commissioner and shall be filed with the clerk of~~ taxpayer shall commence an appeal by filing a petition with the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 or the superior court within 30 days from the date of decision by the commissioner. ~~The procedure provided by law for applying for and granting appeals from the probate court to the~~

~~superior court shall apply as far as suitable to the appeal authorized by this Code section, except that the appeal authorized by this Code section may be filed within 30 days from the date of decision by the commissioner.~~

(c) Before the superior court shall have jurisdiction to entertain an appeal filed by any aggrieved taxpayer, the taxpayer shall file with the clerk of the superior court a written statement whereby the taxpayer agrees to pay on the date or dates the taxes become due all taxes for which the taxpayer has admitted liability. Additionally, the taxpayer shall file with the clerk of the superior court within 30 days from the date of decision by the commissioner, except ~~where~~ when the value of the appellant's title or interest in real property owned in this state is in excess of the amount of the tax in dispute, a surety bond or other security in an amount satisfactory to the clerk, conditioned to pay any tax over and above that for which the taxpayer has admitted liability and which is found to be due by a final judgment of the court, together with interest and costs. It shall be ground for dismissal of the appeal if the taxpayer fails to pay all taxes admittedly owed upon the due date or dates as provided by law. This subsection shall not apply to appeals filed with the Georgia Tax Tribunal as provided in Chapter 13A of Title 50.

(d)(1) If the final judgment of the court places upon the taxpayer any tax liability which has not already been paid and if the tax or any part of the tax has:

(A) Not become due on the date of the final judgment of the court, then the taxpayer shall pay the amount of the unpaid tax liability on the due date or dates as provided by law; or

(B) Already become due at the time of final judgment of the court, the taxpayer shall immediately pay the tax or as much of the tax as has already become due, with interest.

(2) In the event the final judgment of the court is adverse to the taxpayer, ~~he~~ the taxpayer shall pay the court costs regardless of whether the tax or any part of the tax has or has not become due at the time of the final judgment of the court.

(3) This subsection shall not apply to appeals filed with the Georgia Tax Tribunal as provided in Chapter 13A of Title 50."

SECTION 6.

Said title is further amended by revising Code Section 48-3-1, relating to tax executions, as follows:

"48-3-1.

The commissioner may issue an execution for the collection of any tax, fee, license, penalty, interest, or collection costs due the state. The execution shall be directed to all and singular sheriffs of this state or to the commissioner or ~~his~~ the commissioner's authorized representatives and shall command them to levy upon the goods, chattels, lands, and tenements of the taxpayer, provided that the commissioner may transmit such executions electronically. Each sheriff shall execute the execution as in cases of writs of execution from the superior courts. Whenever any writ of execution has been issued by the commissioner, the taxpayer, in order to obtain a determination of whether the tax is legally due, may tender to the levying officer ~~his~~ such taxpayer's affidavit of

illegality to the execution and, upon ~~his~~ such taxpayer's payment of the tax if required as a condition precedent by the law levying the tax or upon ~~his~~ such taxpayer's giving a good and solvent bond in such an amount to cover the total of any adverse judgment plus costs ~~where~~ when the law does not require the payment of the tax as a condition precedent, the levying officer shall return the affidavit of illegality, except as otherwise provided by law, to the superior court of the county of the taxpayer's residence. The affidavit of illegality shall be summarily heard and determined by the court. Whenever any writ of execution has been issued by the commissioner for the collection of any tax, or any penalty, interest, or collection costs imposed with respect to any tax, the taxpayer may file a petition in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 to obtain a determination of whether any such amounts are legally due."

SECTION 7.

Said title is further amended by revising subsection (b) of Code Section 48-5-519, relating to property tax returns filed by railroad equipment companies, as follows:

"(b) The returns shall be made to the commissioner by the chief executive officer in charge of the cars in this state. The final assessment of the property of railroad equipment companies shall be fixed in the same manner as the proposed assessments of property of public utilities under this article and Code Section 48-2-18, except that with respect to railroad equipment companies, such assessment shall be final rather than proposed. By following the procedure set forth in subsection (c) of Code Section 48-2-18 for appeals of proposed assessments of public utility property, any ~~Any~~ railroad equipment company may bring in the Superior Court of Fulton County or in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 a de novo action of the final assessment so fixed."

SECTION 8.

Said title is further amended by revising subsection (b) of Code Section 48-6-7, relating to refunds of real estate transfer taxes, as follows:

"(b)(1) A taxpayer whose claim for a refund is denied by the commissioner or ~~his~~ the commissioner's delegate or with respect to whose claim no decision is rendered by the commissioner or ~~his~~ the commissioner's delegate within one year from the date of filing the claim shall have the right to bring an action for a refund in the superior court of the county where the disputed tax was originally collected or in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50. The taxpayer shall bring the action for refund against the clerk of superior court of the county which collected the disputed tax. The commissioner in ~~his~~ the commissioner's official capacity shall be made a party defendant to the action in order that the interests of the state may be represented in the action. The Attorney General shall represent both defendants in the action. If it is determined in the action that an amount claimed by the taxpayer was erroneously or illegally collected, the taxpayer shall be entitled to judgment against the defendant clerk of the superior court in ~~his~~ the clerk's official capacity for the amount erroneously or illegally collected, without interest to the date of judgment.

(2) No action for refund shall be brought after the expiration of 60 days from the date of denial of the taxpayer's claim for refund by the commissioner.

(3) For the purposes of this Code section, a failure by the commissioner to grant or deny the taxpayer's claim for refund within the one-year period shall constitute a constructive denial of the claim."

SECTION 9.

Said title is further amended by revising paragraph (1) of subsection (e) of Code Section 48-6-76, relating to refunds of intangible recording taxes, as follows:

"(e)(1) Any taxpayer whose claim for refund is denied entirely or in part by the commissioner or with respect to whose claim no decision is rendered by the commissioner within 30 days from the date of filing the claim shall have the right to bring an action for refund of the amount so claimed and not approved against the collecting officer or said officer's successor who collected the amount, in said officer's official capacity, in the superior court of the county whose official collected the amount or in the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50."

SECTION 10.

Said title is further amended by revising subparagraph (d)(2)(C) of Code Section 48-7-31, relating to allocation and apportionment of corporate income, as follows:

"(C) If the allocation and apportionment provisions provided for in this paragraph do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition the commissioner for, or the commissioner may by regulation require, with respect to all or any part of the taxpayer's business activity, if reasonable:

(i) Separate accounting;

(ii) The exclusion of any one or more of the factors;

(iii) The inclusion of one or more additional factors that will fairly represent the taxpayer's business activity within this state; or

(iv) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

The denial of a petition under this subparagraph shall be appealable pursuant to ~~either~~ Code Section 48-2-59 ~~or 50-13-12~~. Such an appeal shall be filed within 30 days of the date of the commissioner's notice of denial;"

SECTION 11.

Said title is further amended by revising subsection (b) of Code Section 48-7-165, relating to hearing procedure and adjustments of incorrect debts, as follows:

"(b) The hearing established by subsection (a) of this Code section shall be in lieu of a hearing before the department ~~pursuant to Code Section 50-13-12; and the department shall not grant a hearing~~ to determine the validity of the debt or the propriety of the setoff."

SECTION 12.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by repealing Code Section 50-13-12, relating to Department of Revenue hearings for aggrieved taxpayers and election of remedies, and designating said Code section as reserved.

SECTION 13.

Said title is further amended by revising subsection (c) of Code Section 50-13-13, relating to hearings in contested cases, as follows:

"(c) ~~Except in cases in which a hearing has been demanded under Code Section 50-13-12, subsection~~ Subsection (a) of this Code section and the other provisions of this chapter concerning contested cases shall not apply to any case arising in the administration of the revenue laws, which case is subject to a subsequent de novo trial of the law and the facts in the superior court or in the Georgia Tax Tribunal in accordance with Chapter 13A of this title."

SECTION 14.

Said title is further amended by adding a new subsection to Code Section 50-13-42, relating to applicability, to read as follows:

"(c) This article shall not apply with respect to any matter as to which an aggrieved party is permitted to file a petition with the Georgia Tax Tribunal in accordance with Chapter 13A of this title."

SECTION 15.

Said title is further amended by adding a new chapter to read as follows:

"CHAPTER 13A

50-13A-1.

This chapter shall be known and may be cited as the 'Georgia Tax Tribunal Act of 2012.'

50-13A-2.

The General Assembly finds that there is a need for an independent specialized agency separate and apart from the Department of Revenue to resolve disputes between the department and taxpayers in an efficient and cost-effective manner. Such an agency would:

(1) Improve the utilization of judicial resources by resolving tax cases in a more streamlined and efficient manner;

(2) Increase the uniformity of decision making in tax cases;

(3) Improve the equal access of all parties to court process; and

(4) Increase public confidence in the fairness of the state tax system.

50-13A-3.
Except where the context may otherwise clearly require, all terms used in this chapter shall have the meaning given such term by Code Section 48-1-2. As used in this chapter, the term 'tribunal' means the Georgia Tax Tribunal established by Code Section 50-13A-4 which shall be an independent and autonomous division within the Office of State Administrative Hearings operating under the sole direction of the chief tribunal judge.

50-13A-4.
(a) There is created within the executive branch of government the Georgia Tax Tribunal. The tribunal shall be assigned for administrative purposes only, as provided in Code Section 50-4-3, to the Department of Administrative Services and shall be funded through appropriations by the General Assembly to the Department of Administrative Services.
(b) The tribunal shall have a seal engraved with the words 'Georgia Tax Tribunal.' The tribunal shall authenticate all of its orders, records, and proceedings with the seal, and the courts of this state shall take judicial notice of the seal.

50-13A-5.
(a) The tribunal shall consist of at least one full-time administrative law judge. If the tribunal has more than one judge, each shall exercise the powers of the tribunal in all matters, causes, or proceedings assigned to him or her.
(b) Initial tribunal judges shall be appointed by the Governor. If, initially, the tribunal has only one judge, that individual shall be appointed for a term of four years and shall be the chief tribunal judge; provided, however, that if, initially, the tribunal has more than one judge, then one judge shall be appointed for an initial term of four years and one judge shall be appointed as chief tribunal judge for an initial term of six years to ensure that the judges' initial terms do not expire in the same year. Once appointed, each initial tribunal judge shall continue in office until his or her term expires and a successor has been appointed and confirmed. Initial tribunal judges may be reappointed for successive terms, provided that each successive term shall be for four years.
(c) After initial appointments are made pursuant to subsection (b) of this Code section, all appointments and reappointments of the chief tribunal judge and other tribunal judges shall be made by the Governor, with the consent of the Senate, for terms of four years. Once appointed and confirmed, each such tribunal judge shall continue in office until his or her term expires and a successor has been appointed and confirmed. A tribunal judge may be reappointed for successive terms.
(d) Each tribunal judge shall receive an annual salary no less than that of the chief administrative law judge of the Office of State Administrative Hearings; provided, however, that the tribunal judge's total salary shall not be reduced during such judge's term of appointment.

(e) A vacancy in the tribunal occurring other than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.
(f) The executive of the tribunal shall be the chief tribunal judge who shall have sole charge of the administration of the tribunal, including, but not limited to, the preparation of a budget and matters involving employment and expenditures as set forth in Code Section 50-13A-8, and shall apportion among the judges all causes, matters, and proceedings coming before the tribunal.
(g) With the consent of the Senate, the Governor may remove a tribunal judge, after notice and an opportunity to be heard, for neglect of duty, inability to perform duties, malfeasance in office, or other good cause.
(h) Whenever the tribunal trial docket or business becomes congested or any tribunal judge is absent, is disqualified, or for any other reason is unable to perform his or her duties as tribunal judge, and it appears to the Governor that the services of an additional tribunal judge or judges should be provided, the Governor may, without obtaining the approval of the Senate, appoint a judge, or judges, pro tempore of the tribunal. Any person appointed judge pro tempore of the tribunal shall have the qualifications set forth in subsections (a) and (b) of Code Section 50-13A-6 and shall serve for a period not to exceed 12 months.
(i) A tribunal judge may disqualify himself or herself on his or her own motion in any matter and may be disqualified for any cause listed in Code Section 15-1-8.

50-13A-6.
(a) Each judge of the tribunal shall be a citizen of the United States and, during the period of service, a resident of this state. No person shall be appointed as a tribunal judge unless at the time of appointment the individual is an attorney licensed to practice in this state and has practiced primarily in the area of tax law for at least eight years.
(b) Before entering upon the duties of office, each tribunal judge shall take and subscribe to an oath or affirmation that he or she shall faithfully discharge the duties of the office, and such oath shall be filed in the office of the Secretary of State.
(c) Each tribunal judge shall devote his or her full time during business hours to the duties of the tribunal. A tribunal judge shall not engage in any other gainful employment or business that interferes with or is inconsistent with his or her duties as a judge and shall not hold another office or position of profit in a government of this state, any other state, or the United States.
(d) If a tribunal judge does not have a full docket of tax cases, the chief tribunal judge may, acting in his or her sole discretion, petition the chief administrative law judge of the Office of State Administrative Hearings to allow such tribunal judge to hear and resolve nontax cases pending before the Office of State Administrative Hearings. The chief tribunal judge, the chief administrative law judge of the Office of State Administrative Hearings, and the tribunal judge in question shall mutually agree upon the number and types of such cases, taking into account the particular judge's background and qualifications.

50-13A-7.
(a) The tribunal's principal location shall be located in Fulton County, Georgia, and in a building that is separate and apart from any building in which the commissioner has an office.
(b) The tribunal may, but shall not be required to, conduct hearings at its principal location in Fulton County. The tribunal may also hold hearings at any place within this state, with a view toward securing to taxpayers a reasonable opportunity to appear before the tribunal with as little inconvenience and expense as practicable. When the tribunal holds hearings outside of its principal location, it shall do so in a place that is physically separate from facilities regularly occupied by the commissioner.

50-13A-8.
(a) The chief tribunal judge shall appoint a clerk of the tribunal, a court reporter, and such other employees, including staff attorneys and clerical assistants, and make such other expenditures, including expenditures for library, publications, and equipment, as are reasonably necessary to permit the tribunal to execute its functions efficiently; provided, however, that the chief tribunal judge shall endeavor to utilize staff employed by the Office of State Administrative Hearings and shall consult with the chief state administrative law judge so as to best utilize staff positions to best serve both the tribunal and the Office of State Administrative Hearings.
(b) A tribunal court reporter shall be subject to the provisions of Code Sections 15-14-20 through 15-14-36 as if appointed by a judge of a superior court, except when such provisions are in conflict with this chapter.
(c) No employee of the tribunal shall act as attorney, representative, or accountant for others in a matter involving any tax imposed or levied by this state or county or municipality of this state.
(d) In addition to contracting the services of the tribunal court reporter, the chief tribunal judge may contract the reporting of tribunal proceedings and, in the contract, fix the terms and conditions under which transcripts shall be supplied by the contractor to the tribunal and to other persons and agencies.

50-13A-9.
(a) On and after January 1, 2013, any person may petition the tribunal for relief as set forth in Code Sections 48-2-18, 48-2-35, 48-2-59, 48-3-1, 48-5-519, 48-6-7, and 48-6-76 and subparagraph (d)(2)(C) of Code Section 48-7-31. The tribunal shall have jurisdiction over actions for declaratory judgment that fall within subsection (a) of Code Section 50-13-10 and involve a rule of the commissioner that is applicable to taxes administered by the commissioner under Title 48.
(b) The tribunal shall have concurrent jurisdiction with the superior courts over those matters set forth in subsection (a) of this Code section.
(c) The tribunal shall not have jurisdiction to hear any matter arising under Title 3 or Title 40.

(d) No person shall be required as a condition either to initiating or maintaining an action before the tribunal to provide a surety bond or other security for any amounts that may be in dispute in such action. Nothing contained in this chapter shall be construed to prohibit the commissioner from requiring a bond under those circumstances set forth in Code Section 48-2-51.

50-13A-10.
(a) Actions may be commenced before the tribunal on and after January 1, 2013. Actions before the tribunal shall be commenced by filing a petition with the tribunal, naming the commissioner as respondent in his or her official capacity, within the time periods prescribed by Code Section 48-2-18, 48-2-35, 48-2-59, 48-6-7, or 48-6-76 or subparagraph (d)(2)(C) of Code Section 48-7-31, as the case may be, or as otherwise provided by law. The petitioner shall serve a copy of the petition on the commissioner and the Attorney General and attach a certificate of service to the petition filed with the tribunal. In the case of a refund action pursuant to Code Section 48-6-7 or 48-6-76, the petition also shall be served on the clerk of the superior court or collecting officer who is made a party to the action. Service shall be accomplished by certified mail or statutory overnight delivery. The petition shall include a summary statement of facts and law upon which the petitioner relies in seeking the requested relief.
(b) The commissioner and any other respondents shall file a response to petitioner's statement of facts and law which constitutes his or her answer with the tribunal no later than 30 days after the service of the petition. The commissioner and any other respondents shall serve a copy of their response on the petitioner's representative or, if the petitioner is not represented, on the petitioner, and shall file a certificate of such service with the response. If in any case a response has not been filed within the time required by this subsection, the case shall automatically become in default unless the time for filing the response has been extended by agreement of the parties, for a period not to exceed 30 days, or by the judge of the tribunal. The default may be opened as a matter of right by the filing of a response within 15 days of the day of default and payment of costs. At any time before final judgment, the judge of the tribunal, in his or her discretion, may allow the default to be opened for providential cause that prevented the filing of the response or for excusable neglect or when the tribunal judge, from all the facts, determines that a proper case has been made for the default to be opened on terms to be fixed by the tribunal judge.
(c) Pleadings and proceedings before the tribunal shall be subject to the amendment and supplementation provisions of Code Section 9-11-15.
(d) Code Section 50-13A-18 shall apply to service of pleadings and documents.
(e) As soon as reasonably practicable, the tribunal judge shall schedule a prehearing conference to address discovery, scheduling, and other matters.
(f) The tribunal judge may remand a matter in dispute to the commissioner for further consideration upon motion by all parties to the proceeding, for good cause shown on the motion of any party, or sua sponte when the tribunal judge reasonably determines that circumstances warrant. Any such remand shall not divest the tribunal of

jurisdiction, and the tribunal judge's order shall provide that any party, upon appropriate advance notice to all other parties, shall be entitled to have such matter returned to the tribunal for resolution.
(g) Contested cases pending before the Office of State Administrative Hearings on and before December 31, 2012, and cases when the taxpayer made a written demand for a hearing pursuant to Code Section 50-13-12 before January 1, 2013, shall not be transferred to the tribunal. If, on and after January 1, 2013, a written petition for relief or a demand for hearing is filed with the commissioner or by the affected party directly with the Office of State Administrative Hearings in a matter falling within the tribunal's jurisdiction under subsection (a) of Code Section 50-13A-9, such matter shall be transferred to the tribunal, and the remaining provisions of this chapter shall be applicable.

50-13A-11.
(a) Except as provided for in Code Section 48-2-51, involving jeopardy assessments, the filing of a petition with the tribunal shall operate as a stay of any enforcement or collection action by the commissioner with respect to any tax, penalty, interest, or any collection costs that are disputed in the petition until the tribunal decision is finalized, including appeals to the superior court pursuant to Code Section 50-13A-17 or to any appellate court.
(b) Upon petition by the commissioner, and for good cause shown, the tribunal judge may lift the stay provided for in subsection (a) of this Code section.

50-13A-12.
(a) Upon filing a petition, the petitioner shall pay to the clerk of the tribunal a fee as determined by the rules established by the tribunal.
(b) A similar fee shall be paid by other parties making an appearance in the proceeding, except that no fee shall be charged to a government body or government official appearing in a representative capacity.
(c) The chief tribunal judge may fix a fee, not in excess of the fees charged and collected by the clerks of the superior courts of this state, for compiling, or for preparing and compiling, a transcript of the record, or for copying any record, entry, or other paper and the compilation and certification thereof.

50-13A-13.
(a) The provisions of Chapter 11 of Title 9, the 'Georgia Civil Practice Act,' governing discovery and depositions shall apply to proceedings before the tribunal; provided, however, that the parties to a proceeding shall make every effort to conduct discovery by informal consultation or communication. Upon motion of a party, the frequency or extent of formal discovery methods may be limited by the tribunal if it determines that the discovery is unduly burdensome or expensive when taking into account the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation.

(b) The chief tribunal judge shall, by rules and regulations or by order in a particular proceeding, prescribe the period during which any discovery shall be commenced and completed. After the period for completing discovery has expired, or earlier as the parties may agree, the parties to a proceeding shall stipulate all relevant and nonprivileged matters to the fullest extent to which complete or qualified agreement can be reached or fairly should be reached. Neither the existence nor the use of the discovery mechanisms authorized by this Code section shall excuse failure to comply with this provision.

(c)(1) A party shall disclose to other parties at a reasonable time prior to the hearing the identity of any person who may be called at trial to present expert testimony.

(2) Except as otherwise stipulated or directed by the tribunal judge, expert witness disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report prepared and signed by the witness if one has been prepared or will be offered at the hearing.

(d) A judge or the clerk of the tribunal, on the request of any party to the proceeding, shall issue subpoenas requiring the attendance of witnesses and giving of testimony and subpoenas requiring the production of evidence or things.

(e) Any employee of the tribunal designated in writing for such purpose by a tribunal judge, or by the chief tribunal judge if more than one judge has been appointed, may administer oaths.

(f) Any witness who is subpoenaed or whose deposition is taken shall receive the same fees and mileage as a witness in a superior court of this state.

(g) In proceedings before the tribunal, if any party or an agent or employee of a party disobeys or resists any lawful order of process; neglects to produce, after having been ordered to do so, any pertinent book, paper, or document; refuses to appear after having been subpoenaed; upon appearing, refuses to take the oath or affirmation as a witness; or, after taking the oath or affirmation, refuses to testify, the tribunal judge shall have the same rights and powers given any other court under Chapter 11 of Title 9, the 'Georgia Civil Practice Act.' If any person or party refuses as specified in this subsection, the tribunal judge may certify the facts to the superior court of the county where the offense is committed for appropriate action, including a finding of contempt.

50-13A-14.

(a) Trials in proceedings before the tribunal shall be de novo and without a jury. Hearings shall be open to the public, but on motion of any party, if such party shows good cause to protect certain information from being disclosed to the public, the tribunal judge may issue a protective order or an order closing part or all of a hearing to the public.

(b) The tribunal shall take evidence, and the tribunal judges shall conduct hearings and issue final judgments and interlocutory orders.

(c) The tribunal judges shall apply the rules of evidence as applied in the trial of civil nonjury cases in the superior courts; provided, however, that for hearings conducted in the small claims division, the tribunal judge may, when necessary to ascertain facts not reasonably susceptible of proof under such rules, consider evidence not otherwise admissible thereunder if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
(d) Testimony before a tribunal judge shall be given only on oath or affirmation.
(e) The petition and other pleadings in the proceeding shall be deemed to conform to the proof presented at the hearing, unless a party satisfies the tribunal judge that presentation of the evidence would unfairly prejudice the party in maintaining its position on the merits or unless deeming the taxpayer's petition to conform to the proof would confer jurisdiction on the tribunal over a matter that would not otherwise come within the tribunal's jurisdiction.
(f) Except for hearings conducted in the small claims division of the tribunal as provided in Code Section 50-13A-16, all hearings before the tribunal shall be recorded by means acceptable for use in courts of this state.

50-13A-15.
(a) Except with regard to proceedings in the small claims division of the tribunal pursuant to Code Section 50-13A-16, the tribunal judge shall render all final judgments and interlocutory orders in writing, as appropriate, including therein a concise statement of the facts found and the conclusions of law reached. The tribunal judge's final judgment or interlocutory order shall, subject to law, grant such relief, invoke such remedies, and issue such orders as the tribunal judge deems appropriate to carry out its final judgment or interlocutory order.
(b) The chief tribunal judge shall adopt rules and regulations to address confidentiality of taxpayer information and proceedings before the tribunal.
(c) The tribunal judges shall adhere to the principle of stare decisis. The tribunal judge's interpretation of a tax statute subject to contest in one case shall be followed by the tribunal in subsequent cases involving the same statute, and its application of a statute to the facts of one case shall be followed by tribunal judges in subsequent cases involving similar facts, unless the tribunal judge's interpretation or application conflicts with that of an appellate court or the tribunal judge provides satisfactory reasons for departing from prior precedent.
(d) Except as to a final judgment of the small claims division, all other final judgments of the tribunal shall be indexed and published in such print or electronic form as the chief tribunal judge deems best adapted for public convenience. Such publications shall be made permanently available and constitute the official reports of the tribunal.

50-13A-16.
(a) There is hereby established a small claims division of the tribunal.
(b) Judges of the tribunal shall sit as the judges of the small claims division.

(c) Within 90 days of filing a petition pursuant to the Code Section 50-13A-9, a taxpayer may elect to have the small claims division have jurisdiction over any proceeding with respect to which the amount of tax and penalties in controversy, exclusive of interest, is less than a threshold amount determined by the rules of the tribunal. A taxpayer may not revoke such election to proceed in the small claims division after this 90 day period. For good cause, the tribunal judge may, on his or her own motion or on the motion of a party to the case, remove a case from the small claims division.

(d) In proceedings before the small claims division of the tribunal, accountants and other tax return preparers designated by the taxpayer shall be permitted to accompany and appear with the taxpayer in order to provide factual information regarding positions taken on tax returns of the taxpayer. An accountant or tax return preparer accompanying and appearing with a taxpayer for this purpose shall not be deemed to be acting as an advocate of the taxpayer or representing the taxpayer before the tribunal.

(e) At any time prior to entry of judgment, a taxpayer may dismiss a proceeding in the small claims division by notifying the clerk of the tribunal in writing. Such dismissal shall be without prejudice.

(f) Hearings in the small claims division shall be conducted in a manner consistent with proceedings before magistrate courts, as specified in Article 3 of Chapter 10 of Title 15. The tribunal judge may receive such evidence as the judge deems appropriate for determination of the case. Testimony shall be given under oath or affirmation.

(g) A judgment of the small claims division shall be conclusive upon all parties and may not be appealed. A judgment of the small claims division shall not be considered or cited as precedent in any other case, hearing, or proceeding.

50-13A-17.

(a) As used in this Code section, the term 'reviewing court' means the Superior Court of Fulton County.

(b) Any party may appeal a final judgment of the tribunal, except for judgments of the small claims division, to the reviewing court. Proceedings for judicial review shall be instituted by filing a petition with the reviewing court within 30 days after the service of the tribunal's final judgment or, if a rehearing is requested, within 30 days after the decision thereon. Copies of the petition for judicial review shall be served upon the tribunal and all parties of record. The petition shall state the nature of the petitioner's interest, the fact showing that the petitioner is aggrieved by the judgment, and the grounds as specified in subsection (g) of this Code section upon which the petitioner contends that the judgment should be reversed or modified. The petition for judicial review may be amended by leave of the reviewing court.

(c) Notwithstanding any provisions of law or tribunal rule with respect to motions for rehearing or reconsideration after a final tribunal judgment or interlocutory order, the filing of such a motion shall not be a prerequisite to the filing of any action for judicial review or relief; provided, however, that no objection to any order or judgment of the

tribunal shall be considered by the reviewing court upon petition for review unless such objection has been heard by the tribunal.

(d) Within 30 days after the service of the petition for judicial review or within further time allowed by the reviewing court, the tribunal shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the reviewing court for the additional costs. The reviewing court may require or permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing in the reviewing court, application is made to the reviewing court for leave to present additional evidence and it is shown to the satisfaction of the reviewing court that the additional evidence is material and there were good reasons for failure to present it in the proceedings before the tribunal, the reviewing court may order that the additional evidence be taken before the tribunal upon conditions determined by the reviewing court. A tribunal judge may modify his or her findings and judgment by reason of the additional evidence and shall file that evidence and any modifications, new findings, or judgments with the reviewing court.

(f) The hearing or a petition for judicial review shall be conducted by the reviewing court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the tribunal not shown in the record, proof thereon may be taken in the reviewing court. The reviewing court, upon request, shall hear oral argument and receive written briefs. The reviewing court shall affirm, reverse, or modify the tribunal's judgment or remand the case for further proceedings within 90 days of the filing of the last such written brief.

(g) The reviewing court shall not substitute its judgment for that of the tribunal's as to the weight of the evidence on questions of fact. The reviewing court may affirm the tribunal's judgment or remand the case for further proceedings. The reviewing court may reverse or modify the judgment if substantial rights of the petitioner have been prejudiced because the tribunal judge's findings, inferences, conclusions, or judgments are:

(1) In violation of constitutional or statutory provisions;

(2) In excess of the statutory authority of the tribunal;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(h) An aggrieved party may seek a review of any final judgment of the reviewing court by the Court of Appeals or the Supreme Court, as provided by law.

50-13A-18.
(a) An initial petition shall be served by certified mail or statutory overnight delivery and any other pleading, motion, response, statement, or document permitted or required to be served shall be served by first-class mail or hand delivery.
(b) Any pleading, motion, response, statement, or document required by law, rule, or regulation to be received by or filed with the tribunal pursuant to the requirements of this chapter shall be deemed to be received by or filed with the tribunal on the earlier of:
(1) The date such pleading, motion, response, statement, or document is actually received by the tribunal;
(2) The official postmark date such pleading, motion, response, statement, or document was mailed, properly addressed with postage prepaid, by registered or certified mail; or
(3) The date on which such pleading, motion, response, statement, or document was delivered to a commercial delivery company for statutory overnight delivery as provided in Code Section 9-10-12 as evidenced by the receipt provided by the commercial delivery company.
(c) Mailing or delivery to the address of the taxpayer given on the taxpayer's petition or to the address of the taxpayer's representative of record, if any, or to the usual place of business of the commissioner, and, when applicable, of the clerk of superior court or collecting official who is made a party to the action shall constitute personal service on such party. The chief tribunal judge may by rule prescribe that notice by other means shall constitute personal service and may in a particular case order that notice be given to additional persons or order that notice be given by other means.

50-13A-19.
The tribunal shall adopt rules of practice and procedure and adopt all reasonable rules and forms as may be necessary or appropriate to carry out the intent and purposes of this chapter.

50-13A-20.
(a) For purposes of the language contained in the Code sections referenced in subsection (b) of this Code section, the term 'agency' shall include the tribunal.
(b) Only the following provisions of Article 1 of Chapter 13 of this title shall apply to the tribunal and its administration:
(1) Code Section 50-13-3, except for paragraph (4) of subsection (a);
(2) Code Section 50-13-4, except for paragraphs (3) and (4) of subsection (a) and subsections (b), (g), (h), and (i);
(3) Code Section 50-13-6, except for paragraph (2) of subsection (c);
(4) Code Section 50-13-7;
(5) Code Section 50-13-8; and
(6) Code Section 50-13-10."

SECTION 16.

(a) Except as provided in subsection (b) of this section, this section, Section 15, and Section 17 of this Act shall become effective on July 1, 2012, and shall be applicable to all proceedings commenced on or after January 1, 2013.

(b) Sections 1 through 14 of this Act shall become effective on January 1, 2013, provided that cases pending on January 1, 2013, shall continue to be governed by the law in effect on December 31, 2012, until the conclusion of the case.

SECTION 17.

All laws and parts of laws in conflict with this Act are repealed.

Representative Peake of the 137th moved that the House agree to the Senate substitute to HB 100.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
Y Amerson
Y Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
E Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
E Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
Y Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
E Gordon
Y Greene
Y Hamilton
Hanner
Harbin
Y Harden, B
Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Johnson
Jones, J
Y Jones, S
Jordan
Y Kaiser
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Y Morgan
Y Morris
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
E Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 165, nays 0.

The motion prevailed.

HB 822. By Representatives Lindsey of the 54th, Lane of the 167th, Atwood of the 179th, Oliver of the 83rd and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 3 of Title 23 and Chapter 4 of Title 49 of the O.C.G.A., relating to equitable remedies and proceedings generally and public assistance, respectively, so as to comprehensively address the submission of false claims to the state, the Georgia Medicaid program, and local governments; to enact the "Georgia Taxpayer Protection False Claims Act"; to substantially revise the "State False Medicaid Claims Act"; to change and provide for definitions; to change the elements of false or fraudulent Medicaid claims; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 23 and Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to equitable remedies and proceedings generally and public assistance, respectively, so as to comprehensively address the submission of false claims to the state, the Georgia Medicaid program, and local governments; to enact the "Georgia Taxpayer Protection False Claims Act"; to provide for a short title; to provide for definitions; to provide for liability to this state for certain false claims; to provide for civil actions for false claims submitted to this state or to local governments; to provide for exclusions for certain civil actions; to provide for procedure; to provide for burden of proof; to provide for statute of limitations; to provide for venue; to provide for civil investigative demands; to provide for remedies under other laws; to provide for severability; to provide for construction; to substantially revise the "State False Medicaid Claims Act"; to change and provide for definitions; to change the elements of false or fraudulent Medicaid claims; to redirect proceeds from the Indigent Care Trust Fund to the Georgia Department of Community Health; to provide for the Attorney General to intervene in a civil action; to repeal provisions relating to employee discrimination or harassment by an employer while an employee pursues a civil action under the "State False Medicaid Claims Act" and provide for remedies for such conduct and other conduct involving employees, contractors, and agents; to change and create provisions relating to the statute of limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Part I of this Act shall be known and may be cited as the "Georgia Taxpayer Protection False Claims Act."

SECTION 1-2.

Chapter 3 of Title 23 of the Official Code of Georgia Annotated, relating to equitable remedies and proceedings generally, is amended by adding a new article to read as follows:

"ARTICLE 6

23-3-120.

As used in this article, the term:

(1) 'Claim' means any request or demand, whether under a contract or otherwise, for money or property, and whether or not this state or a local government has title to such money or property that is:

(A) Presented to an officer, employee, or agent of the state or local government;

(B) Made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the state's or local government's behalf or to advance a state or local government program or interest, and if the state or local government:

(i) Provides or has provided any portion of the money or property requested or demanded; or

(ii) Will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

Such term shall not include requests or demands for money or property that the state or local government has paid to an individual as compensation for state or local government employment or as an income subsidy with no restrictions on that individual's use of the money or property.

(2) 'Knowing' and 'knowingly' mean that a person, with respect to information:

(A) Has actual knowledge of the information;

(B) Acts in deliberate ignorance of the truth or falsity of the information; or

(C) Acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required.

(3) 'Local government' means any Georgia county, municipal corporation, consolidated government, authority, board of education or other local public board, body, or commission, town, school district, board of cooperative educational services, local public benefit corporation, hospital authority, taxing authority, or other political subdivision of the state or of such local government, including MARTA.

(4) 'Material' means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(5) 'Obligation' means an established duty, whether fixed or not, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee based or similar relationship, from law or regulation, or from the retention of any overpayment.

(6) 'State' means the State of Georgia and any state department, board, bureau, division, commission, committee, public benefit corporation, public authority, council, office, or other governmental entity performing a governmental or proprietary function for this state.

23-3-121.

(a) Any person, firm, corporation, or other legal entity that:

(1) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval;

(2) Knowingly makes, uses, or causes to be made or used a false record or statement material to a false or fraudulent claim;

(3) Conspires to commit a violation of paragraph (1), (2), (4), (5), (6), or (7) of this subsection;

(4) Has possession, custody, or control of property or money used, or to be used, by the state or local government and knowingly delivers, or causes to be delivered, less than all of that money or property;

(5) Being authorized to make or deliver a document certifying receipt of property used, or to be used, by the state or local government and, intending to defraud the state or local government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(6) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the state or local government who lawfully may not sell or pledge the property; or

(7) Knowingly makes, uses, or causes to be made or used a false record or statement material to an obligation to pay or transmit money or property to the state or local government, or knowingly conceals, knowingly and improperly avoids, or decreases an obligation to pay or transmit money or property to the state or a local government

shall be liable to the State of Georgia for a civil penalty of not less than $5,500.00 and not more than $11,000.00 for each false or fraudulent claim, plus three times the amount of damages which the state or local government sustains because of the act of such person.

(b) The provisions of subsection (a) of this Code section notwithstanding, if the court finds that:

(1) The person committing the violation of this subsection furnished officials of the state or local government responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the state or local government with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this article with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not more than two times the amount of the actual damages which the state or local government sustained because of the act of such person.

(c) A person violating any provision of this Code section shall also be liable to the state or local government for all costs, reasonable expenses, and reasonable attorney's fees incurred by the state or local government in prosecuting a civil action brought to recover the damages and penalties provided under this article.

(d) Any information furnished pursuant to paragraph (2) of subsection (b) of this Code section shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

(e) This Code section shall not apply to claims, records, or statements made concerning taxes under the revenue laws of this state.

23-3-122.

(a) The Attorney General shall be authorized to investigate suspected, alleged, and reported violations of this article. If the Attorney General finds that a person has violated or is violating this article, then the Attorney General may bring a civil action against such person under this article. The Attorney General may delegate authority to a district attorney or other appropriate official of a local government to investigate violations that may have resulted in damages to such local government under Code Section 23-3-121 and may delegate to the local government the authority to bring a civil action on its own behalf, or on behalf of any subdivision of such local government, to recover damages sustained by such local government as a result of such violations, as well as all multiple damages, costs, expenses, attorney's fees, and civil penalties available under Code Section 23-3-121. The Attorney General may delegate to a district attorney or local government the authority to pursue an action brought by a private person under subsection (b) of this Code section. Notwithstanding any such delegation of authority, the Attorney General shall retain the authority to continue or discontinue the prosecution of any such action and to withdraw any such authority previously delegated to a district attorney or local government.

(b)(1) Subject to the exclusions set forth in this Code section, a civil action under this article may also be brought by a private person upon written approval by the Attorney General. A civil action shall be brought in the name of the State of Georgia or local government, as applicable. The civil action may be dismissed only if the Attorney General gives written consent to the dismissal stating the reasons for consenting to such dismissal and the court enters an order approving the dismissal.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Attorney

General by certified mail or statutory overnight delivery. The complaint shall be filed in camera and under seal, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The state or, if delegated the authority by the Attorney General, local government may elect to intervene and proceed with the action within 60 days after the Attorney General receives both the complaint and the material evidence and information.

(3) The state or, if delegated the authority by the Attorney General, the local government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2) of this subsection. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this Code section until 30 days after the complaint is unsealed and served upon the defendant.

(4) Before the expiration of the 60 day period or any extensions obtained under paragraph (3) of this subsection, the state or local government shall:

(A) Proceed with the civil action, in which case the civil action shall be conducted by the state or local government; or

(B) Notify the court that it declines to take over the civil action, in which case the person bringing the civil action shall have the right to proceed with the civil action.

(5) When a person brings a civil action under this subsection, no person other than the state or, if delegated the authority by the Attorney General, the local government may intervene or bring a related civil action based on the facts underlying the pending civil action.

(6) Any evidence and information provided to the Attorney General or his or her designee, including any district attorney or local government, by a private person in connection with an action under this Code section shall not constitute public records and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50. Any such evidence also shall be protected by the common interest privilege and work product doctrine. To effectuate the law enforcement purposes of this article in combating fraud and false claims directed at the public's funds, it is the public policy of this state that private persons be authorized to take actions to provide to the Attorney General or local government such information and evidence.

(c)(1) If the state or local government elects to intervene and proceeds with the civil action, it shall have the primary responsibility for prosecuting the civil action and shall not be bound by an act of the person bringing such civil action. Such person shall have the right to continue as a party to the civil action, subject to the limitations set forth in this subsection.

(2) If the Attorney General has consented to a dismissal or elected not to proceed with a civil action, a local government may dismiss the civil action, notwithstanding the objections of the person initiating the civil action, if the person has been notified by the local government of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(3) The state or local government may settle the civil action with the defendant, notwithstanding the objections of the person initiating the civil action, if the court

determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(4) Upon a showing by the state or local government that unrestricted participation during the course of the litigation by the person initiating the civil action would interfere with or unduly delay the state or local government's litigation of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as:

(A) Limiting the number of witnesses the person may call;

(B) Limiting the length of the testimony of such witnesses;

(C) Limiting the person's cross-examination of witnesses; or

(D) Otherwise limiting the participation of the person in the litigation.

(d) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the civil action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation of the person in the litigation.

(e) If the state or local government elects not to proceed with the civil action, the person who initiated the civil action shall have the right to conduct the civil action. If the state or local government so requests, it shall be served with copies of all pleadings filed in the civil action and shall be supplied, without cost, with copies of all deposition transcripts. When a person proceeds with the civil action, the court may nevertheless permit the state or local government to intervene at a later date upon a showing of good cause.

(f) Whether or not the state or local government proceeds with the civil action, upon a showing by the state or local government that certain actions of discovery by the person initiating the civil action would interfere with the state or local government's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing shall be conducted in camera. The court may extend the 60 day period upon a further showing in camera that the state or local government has pursued the criminal or civil investigation or proceedings with reasonable diligence, and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(g) Notwithstanding subsection (b) of this Code section, the state or local government may elect to pursue its claim through any alternate remedy available to the state or local government, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the civil action shall have the same rights in such proceeding as such person would have had if the civil action had continued under this Code section. Any finding of fact or conclusion of law made in such other proceeding that becomes final shall be conclusive on all parties to a civil action under this Code section. For purposes of this subsection, a finding or conclusion shall be deemed final if it has been finally determined on appeal to the appropriate court, if all time for filing such an appeal with

respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(h)(1) If the state or local government proceeds with a civil action brought by a private person under subsection (b) of this Code section, such person shall, subject to the second sentence of this paragraph, receive at least 15 percent but not more than 25 percent of the proceeds of the civil action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the civil action. Where the civil action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the civil action, relating to allegations or transactions in a criminal, civil, or administrative hearing; in a legislative, administrative, or State Accounting Office report, hearing, audit, or investigation; or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10 percent of the proceeds, taking into account the significance of the information and the role of the person bringing such civil action in advancing the case to litigation. Any payment to a person under the first or second sentence of this paragraph shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(2) If the state or local government does not proceed with a civil action under this Code section, the person bringing the civil action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. Such amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the civil action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) Whether or not the state or local government proceeds with the civil action, if the court finds that the civil action was brought by a person who planned and initiated the violation of this article upon which the civil action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the civil action which the person would otherwise receive under paragraph (1) or (2) of this subsection, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the civil action is convicted of criminal conduct arising from his or her role in the violation of this article, such person shall be dismissed from the civil action and shall not receive any share of the proceeds of the civil action. Such dismissal shall not prejudice the right of the State of Georgia to continue the civil action, represented by the Attorney General or local government attorney to whom the Attorney General has delegated authority.

(4) If the state or local government does not proceed with the civil action and the person bringing the civil action conducts the civil action, the court may award to the

defendant its reasonable attorney's fees and expenses against the person bringing the civil action if the defendant prevails in the civil action and the court finds that the claim of the person bringing the civil action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(i) For purposes of this subsection, the term 'public employee,' 'public official,' and 'public employment' shall include federal, state, and local employees and officials. No civil action shall be brought under this article by a person who is or was a public employee or public official if the allegations of such action are substantially based upon:

(1) Allegations of wrongdoing or misconduct which such person had a duty or obligation to report or investigate within the scope of his or her public employment or office; or

(2) Information or records to which such person had access as a result of his or her public employment or office.

(j)(1) No court shall have jurisdiction over a civil action brought under subsection (b) of this Code section against a member of the General Assembly or a member of the judiciary if the civil action is based on evidence or information known to the state when the civil action was brought.

(2) In no event may a person bring a civil action under subsection (b) of this Code section which is based upon allegations or transactions which are the subject of a civil or administrative proceeding to which the State of Georgia is already party.

(3) The court shall dismiss a civil action or claim under this Code section, unless opposed by the state or local government, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed:

(A) In a state criminal, civil, or administrative hearing in which the state or local government or its agent is a party;

(B) In a state or local government legislative or other state or local government report, hearing, audit, or investigation that is made on the public record or disseminated broadly to the general public; provided that such information shall not be deemed publicly disclosed in a report or investigation because it was disclosed or provided pursuant to Article 4 of Chapter 18 of Title 50, the federal Freedom of Information Act, or under any other federal, state, or local law, rule, or program enabling the public to request, receive, or view documents or information in the possession of public officials or public agencies; or

(C) From the news media, provided that such allegations or transactions are not publicly disclosed in the news media merely because information of allegations or transactions have been posted on the Internet or on a computer network, unless the action is brought by the Attorney General or local government, or the person bringing the action is an original source of the information. For purposes of this subparagraph, the term 'original source' means a person who:

(i) Prior to a public disclosure under this paragraph, has voluntarily disclosed to the state or a local government the information on which allegations or transactions in a claim are based; or

(ii) Has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions and who has voluntarily provided the information to the state or a local government before filing a civil action under this Code section.

(k) The state or local government shall not be liable for expenses which a private person incurs in bringing a civil action under this article.

(l)(1) Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of a civil action under this Code section or other efforts to stop one or more violations of this article.

(2) Relief under paragraph (1) of this subsection shall include reinstatement with the same seniority status that the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. An action under this subsection may be brought in the appropriate superior court of this state for the relief provided in this subsection.

(3) A civil action under this subsection shall not be brought more than three years after the date when the discrimination occurred.

23-3-123.

(a) Except as provided in paragraph (3) of subsection (l) of Code Section 23-3-122, all civil actions under this article shall be filed pursuant to Code Section 23-3-122 within six years after the date the violation was committed or three years after the date when facts material to the right of civil action are known or reasonably should have been known by the state or local government official charged with the responsibility to act in the circumstances, whichever occurs last; provided, however, that in no event shall any civil action be filed more than ten years after the date upon which the violation was committed.

(b) A subpoena requiring the attendance of a witness at a trial or hearing conducted under Code Section 23-3-122 may be served at any place in this state.

(c) For purposes of applying subsection (b) of Code Section 9-11-9, in pleading a civil action brought under this article, the qui tam plaintiff shall not be required to identify specific claims that result from an alleged course of misconduct or any specific records or statements used if the facts alleged in the complaint, if ultimately proven true, would provide a reasonable indication that one or more violations of Code Section 23-3-121 are likely to have occurred and if the allegations in the pleading provide adequate notice of the specific nature of the alleged misconduct to permit the state or a local government to investigate effectively and defendants to defend fairly the allegations made.

(d) If the state or local government elects to intervene and proceed with a civil action brought under subsection (b) of Code Section 23-3-122, the state or local government may file its own complaint or amend the complaint of a person who has brought an action under such subsection to clarify or add detail to the claims in which the state or local government is intervening and to add any additional claims with respect to which the state or local government contends it is entitled to relief. For statute of limitations purposes, any such state or local government pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the state or local government arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.
(e) In any action brought under Code Section 23-3-122, the plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.
(f) Notwithstanding any other provision of law, a final judgment rendered in favor of the state or local government or the United States in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any civil action which involves the same transaction as in the criminal proceeding and which is brought under subsection (a) or (b) of Code Section 23-3-122.

23-3-124.
All civil actions brought under this article in a court of this state shall be brought in the county where the defendant or any one defendant, in the case of multiple defendants or defendants who are not residents of the State of Georgia, resides, can be found, transacts business, or commits an act in furtherance of the submittal of a false or fraudulent claim to the state or local government. Civil actions under this article may be brought in courts of the United States and other states if there is pendent jurisdiction.

23-3-125.
(a) As used in this Code section, the term:
(1) 'Custodian' means the custodian, or any deputy custodian, designated by the Attorney General under paragraph (1) of subsection (j) of this Code section.
(2) 'Documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document or data compilations stored in or accessible through computer or other information retrieval system, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery.
(3) 'False claims law' means:
(A) This article; and
(B) Any Act of Congress or of the legislature which prohibits or makes available to the federal government, state, or any local government in any court of this state, of another state or the District of Columbia, or of local government or of the United States any civil remedy with respect to any false claim against, bribery of, or

corruption of any officer or employee of any state, the District of Columbia, local government, or the United States.

(4) 'False claims law investigation' means any inquiry conducted by any false claims law investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of a false claims law.

(5) 'False claims law investigator' means any attorney or investigator employed by the Department of Law or any other agency of the federal government, state, or any local government who is charged with the duty of enforcing or carrying into effect any false claims law, or any officer or employee of the state or local government or the United States acting under the direction and supervision of such attorney or investigator in connection with a false claims law investigation.

(6) 'Official use' means any use that is consistent with the law and the regulations and policies of the Department of Law or any other agency of the federal government, state, or any local government participating in any of the matters in question, including use in connection with internal memoranda, and reports; communications between the Attorney General or any other agency of the federal government, state, or any local government participating in the matters in question and any other agency of the federal government, state, or any local government, or a contractor of an agency of the federal government, state, or any local government, undertaken in furtherance of a federal, state, or local government or other governmental investigation or prosecution of a case; interviews of any qui tam relator or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda, and briefs submitted to a court or other tribunal; and communications with federal, state, or local government or other governmental investigators, auditors, consultants and experts, the counsel of other parties, arbitrators, and mediators, concerning an investigation, case, or proceeding.

(7) 'Person' means any natural person, partnership, corporation, association, or other legal entity, including any state or local government or political subdivision of a state.

(8) 'Product of discovery' includes:

(A) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(B) Any digest, analysis, selection, compilation, or derivation of any item listed in subparagraph (A) of this paragraph; and

(C) Any index or other manner of access to any item listed in subparagraph (A) of this paragraph.

(b)(1) For purposes of this Code section, whenever the Attorney General, or his or her designee, has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a false claims law investigation, the Attorney General, or his or her designee, may, before commencing a civil proceeding under subsection (a) of Code Section 23-3-122 or other false claims

law, or making an election under subsection (b) of Code Section 23-3-122, issue in writing and cause to be served upon such person a civil investigative demand requiring such person to:

(A) Produce such documentary material for inspection and copying;

(B) Answer in writing written interrogatories with respect to such documentary material or information;

(C) Give oral testimony concerning such documentary material or information; or

(D) Furnish any combination of such documentary material, answers, or testimony.

The Attorney General may delegate the authority to issue civil investigative demands under this subsection, including to a district attorney or other local government attorney. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General, the deputy attorney general, or an assistant attorney general shall cause to be served, in any manner authorized by this Code section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served. Any information obtained by the Attorney General or a designee of the Attorney General under this Code section may be shared with any qui tam relator if the Attorney General or such designee determine it is necessary as part of any false claims law investigation.

(2)(A) Each civil investigative demand issued under paragraph (1) of this subsection shall state the nature of the conduct constituting the alleged violation of a false claims law which is under investigation and the applicable provision of law alleged to have been violated.

(B) If such demand is for the production of documentary material, the demand shall:

(i) Describe each class of documentary material to be produced with such definiteness and certainty as to permit such documentary material to be fairly identified;

(ii) Prescribe a return date for each such class which will provide a reasonable period of time within which the documentary material so demanded may be assembled and made available for inspection and copying; and

(iii) Identify the false claims law investigator to whom such documentary material shall be made available.

(C) If such demand is for answers to written interrogatories, the demand shall:

(i) Set forth with specificity the written interrogatories to be answered;

(ii) Prescribe dates at which time the answers to such written interrogatories shall be submitted; and

(iii) Identify the false claims law investigator to whom such answers shall be submitted.

(D) If such demand is for the giving of oral testimony, the demand shall:

(i) Prescribe a date, time, and place at which the oral testimony shall be commenced;

(ii) Identify a false claims law investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;

(iii) Specify that such attendance and testimony are necessary to the conduct of the investigation;

(iv) Notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and

(v) Describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

(E) Any civil investigative demand issued under this Code section which is an express demand for any product of discovery shall not be returned or returnable until 20 days after a copy of such demand has been served upon the person from whom the product of discovery was obtained.

(F) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this Code section shall be a date which is not less than seven days after the date on which such demand is received, unless the Attorney General or his or her designee determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

(G) The Attorney General or his or her designee shall not authorize the issuance under this Code section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

(c)(1) A civil investigative demand issued under subsection (b) of this Code section shall not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such documentary material, answers, or testimony would be protected from disclosure under:

(A) Standards applicable to subpoenas or subpoenas duces tecum issued by a court of the state or of the United States to aid in a grand jury investigation; or

(B) Standards applicable to discovery requests under Chapter 11 of Title 9, the 'Georgia Civil Practice Act,' to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this Code section.

(2) Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law, other than this Code section, preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand shall not constitute a waiver of any right or privilege which the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

(d)(1) Any civil investigative demand issued under subsection (b) of this Code section may be served in this state by a false claims law investigator or by a sheriff,

deputy sheriff, marshal, or deputy marshal at any place within the territorial jurisdiction of any court of this state.

(2) Any such demand or any petition filed under subsection (k) of this Code section may be served upon any person who is not found within the territorial jurisdiction of any court of this state in such manner as applicable law prescribes for service outside this state. To the extent that the courts of this state can assert jurisdiction over any such person consistent with due process, any such court shall have the same jurisdiction to take any action respecting compliance with this Code section by any such person that such court would have if such person were personally within the jurisdiction of such court. Compliance with this Code section may also be enforced in courts of other states, of the District of Columbia, and of the United States.

(e)(1) Service of any civil investigative demand issued under subsection (b) of this Code section or of any petition filed under subsection (k) of this Code section may be made upon a partnership, corporation, association, or other legal entity by:

(A) Delivering an executed copy of such demand or petition to any partner, executive officer, managing agent, or general agent of the partnership, corporation, association, or entity, or to any agent authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(B) Delivering an executed copy of such demand or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(C) Depositing an executed copy of such demand or petition via the United States Postal Service by registered or certified mail or statutory overnight delivery, return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(2) Service of any such demand or petition may be made upon any natural person by:

(A) Delivering an executed copy of such demand or petition to the person; or

(B) Depositing an executed copy of such demand or petition via the United States Postal Service by registered or certified mail or statutory overnight delivery, return receipt requested, addressed to the person at the person's residence or principal office or place of business.

(f) A verified return by the individual serving any civil investigative demand issued under subsection (b) of this Code section or any petition filed under subsection (k) of this Code section setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail or statutory overnight delivery, such return shall be accompanied by the return post office receipt or other receipt of delivery of such demand.

(g)(1) The production of documentary material in response to a civil investigative demand served under this Code section shall be made under a sworn certificate, in such form as the demand designates, by:

(A) In the case of a natural person, the person to whom the demand is directed; or

(B) In the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person.

The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the false claims law investigator identified in the demand.

(2) Any person upon whom any civil investigative demand for the production of documentary material has been served under this Code section shall make such documentary material available for inspection and copying to the false claims law investigator identified in such demand at the principal place of business of such person, or at such other place as the false claims law investigator and the person thereafter may agree and prescribe in writing, or as the court may direct under paragraph (1) of subsection (k) of this Code section. Such documentary material shall be made so available on the return date specified in such demand, or on such later date as the false claims law investigator may prescribe in writing. Such person may, upon written agreement between the person and the false claims law investigator, substitute copies for originals of all or any part of such documentary material.

(h) Each interrogatory in a civil investigative demand served under this Code section shall be answered separately and fully in writing under oath and shall be submitted under a sworn certificate, in such form as the demand designates, by:

(1) In the case of a natural person, the person to whom the demand is directed; or

(2) In the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

If any interrogatory is objected to, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(i)(1) The examination of any person pursuant to a civil investigative demand for oral testimony served under this Code section shall be taken before an officer authorized to administer oaths and affirmations by the laws of this state, or of the United States, or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall, personally or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by and in a manner consistent with Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

(2) The false claims law investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney for the state or local government, any person who may be agreed upon by the attorney for the state or local government and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(3) The oral testimony of any person taken pursuant to a civil investigative demand served under this Code section shall be taken in the county within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the false claims law investigator conducting the examination and such person.

(4) When the testimony is fully transcribed, the false claims law investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the false claims law investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within 30 days after being afforded a reasonable opportunity to examine it, the officer or the false claims law investigator shall sign it and state on the record the fact of the waiver, illness, absence, or the refusal to sign of the witness, together with the reasons, if any, given therefor.

(5) The officer before whom the testimony is taken shall certify on the transcript that the witness was sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or false claims law investigator shall promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

(6) Upon payment of reasonable charges therefor, the false claims law investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General or his or her designee may, for good cause, limit such witness to inspection of the official transcript of the witness's testimony.

(7)(A) Any person compelled to appear for oral testimony under a civil investigative demand issued under subsection (b) of this Code section may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person may not otherwise object to or refuse to answer any question, and shall

not, directly or through counsel, otherwise interrupt the oral examination. If such person refuses to answer any question, a petition may be filed in the superior court under paragraph (1) of subsection (k) of this Code section for an order compelling such person to answer such question.

(B) If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of Title 24.

(8) Any person appearing for oral testimony under a civil investigative demand issued under subsection (b) of this Code section shall be entitled to the same fees and allowances which are paid to witnesses in the superior courts and state courts of Georgia.

(j)(1) The Attorney General shall designate a false claims law investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this Code section and shall designate such additional false claims law investigators as the Attorney General determines from time to time to be necessary to serve as deputies to the custodian.

(2)(A) A false claims law investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this Code section shall transmit them to the custodian. The custodian shall take physical possession of such documentary material, answers, or transcripts and shall be responsible for the use made of them and for the return of documentary material under paragraph (4) of this subsection.

(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any false claims law investigator or other officer or employee of the Attorney General or any other agency of the state or local government participating in an investigation of the matters in question. Such documentary material, answers, and transcripts may be used by any such authorized false claims law investigator or other officer or employee in connection with the taking of oral testimony under this Code section.

(C) Except as otherwise provided in this subsection, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, shall be available for examination by any individual other than a false claims law investigator or other officer or employee of the Attorney General or any other agency of the federal government or of a state or local government participating in an investigation of the matters in question authorized under subparagraph (B) of this paragraph. The prohibition in the preceding sentence on the availability of documentary material, answers, or transcripts shall not apply if consent is given by the person who produced such documentary material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for such documentary material, consent is given by the person from whom the discovery was obtained. Nothing in this subparagraph is intended to prevent disclosure to the General Assembly,

including any committee or subcommittee of the General Assembly, or to any other agency of the state or local government or the United States for use by such agency in furtherance of its statutory responsibilities.

(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe:

(i) Documentary material and answers to interrogatories shall be available for examination by the person who produced such documentary material or answers, or by a representative of that person authorized by that person to examine such documentary material and answers; and

(ii) Transcripts of oral testimony shall be available for examination by the person who produced such testimony, or by a representative of that person authorized by that person to examine such transcripts.

(3) Whenever the Attorney General, an attorney for a local government, or an attorney for any agency of a local government participating in an investigation of the matter in question has been designated to appear before any court, grand jury, or state or local government or federal agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received under this Code section may deliver to such attorney such documentary material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such documentary material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through introduction into the record of such case or proceeding.

(4) If any documentary material has been produced by any person in the course of any false claims law investigation pursuant to a civil investigative demand under this Code section, and:

(A) Any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state or local government or federal agency involving such documentary material, has been completed; or

(B) No case or proceeding in which such documentary material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation,

the custodian shall, upon written request of the person who produced such documentary material, return to such person any such documentary material, other than copies furnished to the false claims law investigator under paragraph (2) of subsection (g) of this Code section or made for the state under subparagraph (B) of paragraph (2) of this subsection, which has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

(5) In the event of the death, disability, or separation from service of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to a civil investigative demand under this Code section, or in the

event of the official relief of such custodian from responsibility for the custody and control of such documentary material, answers, or transcripts, the Attorney General or his or her designee shall promptly:

(A) Designate another false claims law investigator to serve as custodian of such documentary material, answers, or transcripts; and

(B) Transmit in writing to the person who produced such documentary material, answers, or testimony notice of the identity and address of the successor so designated.

Any person who is designated to be a successor under this paragraph shall have, with regard to such documentary material, answers, or transcripts, the same duties and responsibilities as were imposed by this Code section upon that person's predecessor in office, except that the successor shall not be held responsible for any default or dereliction which occurred before that designation.

(k)(1) Whenever any person fails to comply with any civil investigative demand issued under subsection (b) of this Code section, or whenever satisfactory copying or reproduction of any documentary material requested in such demand cannot be done and such person refuses to surrender such documentary material, the Attorney General or local government may file in any county or district in which such person resides, is found, or transacts business and serve upon such person a petition for an order of such court for the enforcement of the civil investigative demand.

(2)(A) Any person who has received a civil investigative demand issued under subsection (b) of this Code section may file in the appropriate court and serve upon the false claims law investigator identified in such demand a petition for an order of the court to modify or set aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the superior court for any county in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this subparagraph shall be filed:

(i) Within 20 days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier; or

(ii) Within such longer period as may be prescribed in writing by any false claims law investigator identified in the demand.

(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A) of this paragraph and may be based upon any failure of the demand to comply with the provisions of this Code section or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

(3)(A) In the case of any civil investigative demand issued under subsection (b) of this Code section which is an express demand for any product of discovery, the

person from whom such discovery was obtained may file in the superior court for the county in which the proceeding in which such discovery was obtained is or was last pending and serve upon any false claims law investigator identified in the demand and upon the recipient of the demand a petition for an order of such court to modify or set aside those portions of the demand requiring production of any such product of discovery. Any petition under this subparagraph shall be filed:

(i) Within 20 days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier; or

(ii) Within such longer period as may be prescribed in writing by any false claims law investigator identified in the demand.

(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A) of this paragraph and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this Code section or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

(4) At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced by, or transcripts of oral testimony given by, any person in compliance with any civil investigative demand issued under subsection (b) of this Code section, such person and, in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file in the superior court for any county within which the office of such custodian is situated and serve upon such custodian a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this Code section.

(5) Whenever any petition is filed under this subsection in any superior court for any county, such court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry out the provisions of this Code section. Any final order so entered shall be subject to appeal. Any disobedience of any final order entered under this Code section by any court shall be punished as a contempt of the court.

(6) Chapter 11 of Title 9, the 'Georgia Civil Practice Act,' shall apply to any petition filed in this state under this subsection, to the extent that such rules are not inconsistent with the provisions of this Code section.

(l) Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under subsection (b) of this Code section shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

23-3-126.
(a) The provisions of this article shall not be deemed exclusive, and the remedies provided for in this article shall be in addition to any other remedies provided for in any other law or available under common law.
(b) This Act shall be broadly construed and applied to promote the public's interest in combating fraud and false claims directed at the public's funds.

23-3-127.
If a civil action can be commenced pursuant to Article 7B of Chapter 4 of Title 49, the 'State False Medicaid Claims Act,' the claimant shall proceed under Article 7B of Chapter 4 of Title 49."

PART II
SECTION 2-1.

Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, is amended by revising Article 7B, the "State False Medicaid Claims Act," as follows:

"ARTICLE 7B

49-4-168.
As used in this article, the term:
(1) 'Claim' includes any request or demand, whether under a contract or otherwise, for ~~money, property, or services~~ money or property, whether or not the Georgia Medicaid program or this state has title to such money or property, which is made to the Georgia Medicaid program, ~~or~~ to any officer, employee, fiscal intermediary, grantee, agent, or contractor of the Georgia Medicaid program, or to other persons or entities if it results in payments by the Georgia Medicaid program, if the Georgia Medicaid program provides, has provided, or will provide any portion of the money or property requested or demanded;~~, or~~ if the Georgia Medicaid program will reimburse the contractor, grantee, or other recipient for any portion of the money or property requested or demanded; or if the money or property is to be spent or used on behalf of or to advance the Georgia Medicaid program. A claim includes a request or demand made orally, in writing, electronically, or magnetically. Each claim may be treated as a separate claim.
(2) 'Knowing' and 'knowingly' ~~mean~~ requires no proof of specific intent to defraud and means that a person, with respect to information:
(A) Has actual knowledge of the information;
(B) Acts in deliberate ignorance of the truth or falsity of the information; or
(C) Acts in reckless disregard of the truth or falsity of the information. ~~No proof of specific intent to defraud is required.~~

(3) 'Material' means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(4) 'Obligation' means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee based or similar relationship, from statute or regulation, or from retention of any overpayment.

(5) 'Person' means any natural person, corporation, company, association, firm, partnership, society, joint-stock company, or any other entity with capacity to sue or be sued.

49-4-168.1.

(a) Any person who:

(1) Knowingly presents or causes to be presented to the Georgia Medicaid program a false or fraudulent claim for payment or approval;

(2) Knowingly makes, uses, or causes to be made or used a false record or statement ~~to get a false or fraudulent claim paid or approved by the Georgia Medicaid program~~ material to a false or fraudulent claim;

(3) Conspires to defraud the Georgia Medicaid program by getting a false or fraudulent claim allowed or paid;

(4) Has possession, custody, or control of property or money used or to be used by the Georgia Medicaid program and~~, intending to defraud the Georgia Medicaid program or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate of receipt~~ knowingly delivers, or causes to be delivered, less than all of such property or money;

(5) ~~Being~~ Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Georgia Medicaid program and, intending to defraud the Georgia Medicaid program, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(6) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Georgia Medicaid program who lawfully may not sell or pledge the property; or

(7) Knowingly makes, uses, or causes to be made or used a false record or statement ~~to conceal, avoid, or decrease an obligation to pay, repay, or transmit money or property to the State of Georgia~~ material to an obligation to pay or transmit property or money to the Georgia Medicaid program, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit property or money to the Georgia Medicaid program,

shall be liable to the State of Georgia for a civil penalty of not less than $5,500.00 and not more than $11,000.00 for each false or fraudulent claim, plus three times the amount of damages which the Georgia Medicaid program sustains because of the act of such person.

(b) The provisions of subsection (a) of this Code section notwithstanding, if the court finds that:

(1) The person committing the violation of this subsection furnished officials of the Georgia Medicaid program with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the Georgia Medicaid program with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this article with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not more than two times the amount of the actual damages which the Georgia Medicaid program sustained because of the act of such person.

(c) A person violating any provision of subsection (a) of this Code section shall also be liable to this state for all costs of any civil action brought to recover the damages and penalties provided under this article.

49-4-168.2.

(a) The Attorney General shall be authorized to investigate suspected, alleged, and reported violations of this article. If the Attorney General finds that a person has violated or is violating this article, then the Attorney General may bring a civil action against such person under this article.

(b) Subject to the exclusions set forth in this Code section, a civil action under this article may also be brought by a private person. A civil action shall be brought in the name of the State of Georgia. The civil action may be dismissed only if the court and the Attorney General give written consent to the dismissal and state the reasons for consenting to such dismissal.

(c) Where a private person brings a civil action under this article, such person shall follow the following special procedures:

(1) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Attorney General;

(2) The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The purpose of the period under seal shall be to allow the Attorney General to investigate the allegations of the complaint. The Attorney General may elect to intervene and proceed with the civil action within 60 days after it receives both the complaint and the material evidence and information;

(3) The Attorney General may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2) of this subsection. Any such motions may be supported by affidavits or other submissions in camera;

(4) Before the expiration of the 60 day period or any extensions obtained under paragraph (3) of this subsection, the Attorney General shall:

(A) Proceed with the civil action, in which case the civil action shall be conducted by the Attorney General; or

(B) Notify the court that it declines to take over the civil action, in which case the person bringing the civil action shall have the right to proceed with the civil action;

(5) The defendant shall not be required to respond to any complaint filed under this Code section until 30 days after the complaint is unsealed and served upon the defendant; and

(6) When a person brings a civil action under this subsection, no person other than the Attorney General may intervene or bring a related civil action based on the facts underlying the pending civil action.

(d)(1) If the Attorney General elects to intervene and proceed with the civil action, he or she shall have the primary responsibility for prosecuting the civil action and shall not be bound by an act of the person bringing such civil action. Such person shall have the right to continue as a party to the civil action, subject to the limitations set forth in this subsection.

(2) The Attorney General may dismiss the civil action, notwithstanding the objections of the person initiating the civil action, if the person has been notified by the Attorney General of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(3) The Attorney General may settle the civil action with the defendant notwithstanding the objections of the person initiating the civil action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(4) Upon a showing by the Attorney General that unrestricted participation during the course of the litigation by the person initiating the civil action would interfere with or unduly delay the Attorney General's litigation of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as:

(A) Limiting the number of witnesses the person may call;

(B) Limiting the length of the testimony of such witnesses;

(C) Limiting the person's cross-examination of witnesses; or

(D) Otherwise limiting the participation by the person in the litigation.

(e) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the civil action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(f) If the Attorney General elects not to proceed with the civil action, the person who initiated the civil action shall have the right to conduct the civil action. If the Attorney General so requests, he or she shall be served with copies of all pleadings filed in the civil action and shall be supplied with copies of all deposition transcripts. When a

person proceeds with the civil action, the court may nevertheless permit the Attorney General to intervene at a later date for any purpose, including, but not limited to, dismissal of the civil action notwithstanding the objections of the person initiating the civil action if such person has been notified by the Attorney General of the filing of such motion and the court has provided such person with an opportunity for a hearing on such motion.

(g) Whether or not the Attorney General proceeds with the civil action, upon a showing by the Attorney General that certain actions of discovery by the person initiating the civil action would interfere with the Attorney General's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing shall be conducted in camera. The court may extend the 60 day period upon a further showing in camera that the Attorney General has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(h) Notwithstanding subsections (b) and (c) of this Code section, the Attorney General may elect to pursue this state's claim through any alternate remedy available to the Attorney General, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the civil action shall have the same rights in such proceeding as such person would have had if the civil action had continued under this Code section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to a civil action under this Code section. For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the State of Georgia, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(i)(1) If the Attorney General proceeds with a civil action brought by a private person under subsection (b) of this Code section, such person shall, subject to the second sentence of this paragraph, receive at least 15 percent but not more than 25 percent of the proceeds of the civil action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the civil action. Where the civil action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the civil action, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or Attorney General hearing, audit, or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10 percent of the proceeds, taking into account the significance of the information and the role of the person bringing such civil action in advancing the case to litigation. Any payment to a person under the first or second sentence of this paragraph shall be made from the proceeds. The remaining proceeds shall be payable to the ~~Indigent Care Trust Fund to be used for the purposes set forth in Code Section 31-8-154~~ State of Georgia, by and through the

Georgia Department of Community Health, for the purposes of operating, sustaining, protecting, and administering the Georgia Medicaid program. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(2) If the Attorney General does not proceed with a civil action under this Code section, the person bringing the civil action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. Such amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the civil action or settlement and shall be paid out of such proceeds. The remaining proceeds shall be payable to the ~~Indigent Care Trust Fund to be used for the purposes set forth in Code Section 31-8-154~~ State of Georgia, by and through the Georgia Department of Community Health, for the purposes of operating, sustaining, protecting, and administering the Georgia Medicaid program. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) Whether or not the Attorney General proceeds with the civil action, if the court finds that the civil action was brought by a person who planned and initiated the violation of Code Section 49-4-168.1 upon which the civil action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the civil action which the person would otherwise receive under paragraph (1) or (2) of this subsection, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the civil action is convicted of criminal conduct arising from his or her role in the violation of Code Section 49-4-168.1, such person shall be dismissed from the civil action and shall not receive any share of the proceeds of the civil action. Such dismissal shall not prejudice the right of the State of Georgia to continue the civil action, represented by the Attorney General.

(4) If the Attorney General does not proceed with the civil action and the person bringing the civil action conducts the civil action, the court may award to the defendant its reasonable attorney's fees and expenses against the person bringing the civil action if the defendant prevails in the civil action and the court finds that the claim of the person bringing the civil action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(5) The State of Georgia shall not be liable for expenses which a private person incurs in bringing a civil action under this article.

(j) ~~For purposes of this subsection, 'public employee,' 'public official,' and 'public employment' shall include federal, state, and local employees and officials.~~

~~(1) No civil action may be brought under this article by a person who is or was a public employee or public official if the allegations of such action are substantially based upon:~~

~~(A) Allegations of wrongdoing or misconduct which such person had a duty or obligation to report or investigate within the scope of his or her public employment or office; or~~

~~(B) Information or records to which such person had access as a result of his or her public employment or office.~~

~~(2) No court shall have jurisdiction over a civil action under this article based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or Attorney General report, hearing, audit, or investigation, or from the news media, unless the civil action is brought by the Attorney General or unless the person bringing the civil action is an original source of the information. For purposes of this paragraph, 'original source' means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to this state before filing a civil action under this Code section based on such information.~~

~~(3)~~ In no event may a person bring a civil action under this article which is based upon allegations or transactions which are the subject of a civil or administrative proceeding to which the State of Georgia is already party.

(k)~~(4)~~ No civil action may be brought under this article with respect to any claim relating to the assessment, payment, nonpayment, refund, or collection of taxes pursuant to any provisions of Title 48.

(l)(1) As used in this subsection, the term 'original source' means an individual who:

(A) Prior to public disclosure, has voluntarily disclosed to the Attorney General the information on which allegations or transactions in a claim are based; or

(B) Has knowledge that is independent of and materially adds to publicly disclosed allegations or transactions and who has voluntarily provided such information to the Attorney General before filing a civil action under this Code section.

(2) The court shall dismiss a civil action or claim under this Code section, unless opposed by the Attorney General, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed:

(A) In any criminal, civil, or administrative hearing in which the State of Georgia or its employee, agent, or contractor is a party;

(B) In a congressional, legislative, or other state or federal report, hearing, audit, or investigation; or

(C) From the news media,

unless the civil action is brought by the Attorney General or the person bringing the civil action is an original source of the information.

49-4-168.3.

(a) In any civil action brought under this article, the State of Georgia or person bringing the civil action shall be required to prove all essential elements of the cause of civil action, including damages, by a preponderance of the evidence.

(b) Except as otherwise provided in this article, all civil actions brought under this article shall be governed by the provisions of Chapter 11 of Title 9, the 'Georgia Civil Practice Act.'

(c) If the Attorney General elects to intervene and proceed with a civil action brought pursuant to this article, the Attorney General may file his or her own complaint or amend the complaint of a person who has brought a civil action under this article to clarify or add detail to the claims in which the Attorney General is intervening and to add any additional claims with respect to which the State of Georgia contends it is entitled to relief. For purposes of the statute of limitations, any such pleading by the Attorney General shall relate back to the filing date of the complaint of the person who originally brought the civil action, to the extent that the claim of the State of Georgia arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the original complaint by such person.

49-4-168.4.

~~Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee, on behalf of the employee or others, in furtherance of a civil action under this article, including investigation for, initiation of, testimony for, or assistance in a civil action filed or to be filed under this article, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status such employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay award, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. An employee may bring a civil action in an appropriate court of the State of Georgia for the relief provided in this Code section.~~

(a) Any employee, contractor, or agent shall be entitled to all relief necessary to make such employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by such employee, contractor, agent or associated others in furtherance of a civil action under this Code section or other efforts to stop one or more violations of this article.

(b) Relief under subsection (a) of this Code section shall include reinstatement with the same seniority status that such employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. A civil action under this subsection may be brought in an appropriate court of this state for the relief provided in this Code section.

(c) Notwithstanding Code Section 49-4-168.5, a civil action under this Code section may not be brought more than three years after the date when the discrimination occurred.

49-4-168.5.
All civil actions under this article shall be filed pursuant to Code Section 49-4-168.2 within six years after the date the violation was committed, or ~~three~~ four years after the date when facts material to the right of civil action are known or reasonably should have been known by the state official charged with the responsibility to act in the circumstances, whichever occurs last; provided, however, that in no event shall any civil action be filed more than ten years after the date upon which the violation was committed.

49-4-168.6.
All civil actions brought against natural persons under this article shall be brought in the county where the defendant or, in the case of multiple defendants or of defendants who are not residents of the State of Georgia, in any county where any one defendant resides, can be found, transacts business, or commits an act in furtherance of the submittal of a false or fraudulent claim to the Georgia Medicaid program."

PART III
SECTION 3-1.

All laws and parts of laws in conflict with this Act are repealed.

Representative Lindsey of the 54th moved that the House agree to the Senate substitute to HB 822.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	E Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley

Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
E Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	E Gordon	Y Kirby	Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

Representatives Hatchett of the 143rd and Hill of the 21st stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Hembree of the 67th moved that the following Bill of the Senate be recommitted to the Committee on Rules:

SB 492. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing through competitive bidding, so as to require that state contract awards for heavy equipment follow certain specific procedures; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The Speaker announced the House in recess until 2:00 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 684. By Representatives Buckner of the 130th, Neal of the 1st, Stephens of the 164th, Greene of the 149th, Abrams of the 84th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state parks and recreational areas generally, so as to authorize the Department of Natural Resources to transfer certain operating responsibilities for state parks and recreational areas to local governing authorities on certain conditions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 872. By Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 945. By Representatives Teasley of the 38th, Morris of the 155th, Williamson of the 111th, Dutton of the 166th, Dawkins-Haigler of the 93rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to banks and trust companies, so as to provide for the issuance of non-cash valued shares by a bank or trust company with approval from the Department of Banking and Finance; to provide for the issuance of dividends from sources other than retained earnings with prior approval from the department; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1110. By Representatives Cooper of the 41st, Benton of the 31st, Yates of the 73rd, Howard of the 121st, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to revise provisions relating to penalties relative to the owning or operating of unlicensed personal care homes; to authorize the Department of Community Health to provide for additional criminal offenses for background checks for owners and employees of personal care homes; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1178. By Representatives Dickson of the 6th, England of the 108th and Coleman of the 97th:

A BILL to be entitled an Act to amend Code Section 28-5-42 of the Official Code of Georgia Annotated, relating to introduction of bills having significant impact upon anticipated revenues or expenditures and furnishing of fiscal notes, so as to require a ten-year projection of costs for bills which would create a new program or funding category and which would have a significant impact upon anticipated revenues or expenditures of the Department of Education; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 1291. By Representatives Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and Willard of the 49th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), so as to modify provisions relating to the City of Sandy Springs and the executive and judicial officials of such city; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 614. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide for a homestead exemption from Polk County ad valorem taxes for county purposes in an amount that will increase in certain years when the current year assessed value of a homestead exceeds the preceding year's assessed value of such homestead by a certain amount under certain conditions; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 615. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide a homestead exemption from Polk County ad valorem taxes for county purposes in the amount of $30,000.00 of the assessed value of the homestead for certain residents of the county who are

70 years of age or older with net annual household income of $10,000.00 or less; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 616. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide a homestead exemption from Polk County school district ad valorem taxes for educational purposes in the amount of $30,000.00 of the assessed value of the homestead for certain residents of that school district who are 70 years of age or older with net annual household income of $10,000.00 or less; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 617. By Representative Crawford of the 16th:

A BILL to be entitled an Act to provide for a homestead exemption from Polk County school district ad valorem taxes for educational purposes in an amount that will increase in certain years when the current year assessed value of a homestead exceeds the preceding year's assessed value of such homestead by a certain amount under certain conditions; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 998. By Representatives Stephens of the 164th, Watson of the 163rd and Purcell of the 159th:

A BILL to be entitled an Act to amend an Act completely revising the laws relative to the governing authority of Chatham County, approved March 29, 1984 (Ga. L. 1984, p. 5050), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for automatic repeal; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 999. By Representatives Stephens of the 164th, Watson of the 163rd and Purcell of the 159th:

A BILL to be entitled an Act to amend an Act relating to the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for automatic repeal; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1256. By Representatives Hembree of the 67th, Hightower of the 68th, Nix of the 69th, Smith of the 70th, Cooke of the 18th and others:

A BILL to be entitled an Act to amend an Act creating the Western Area Regional Radio System Authority, approved May 17, 2004 (Ga. L. 2004, p. 4521), so as to remove the City of Douglasville as a member of such authority; to add Coweta County as a member of such authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1275. By Representatives Stephens of the 164th, Bryant of the 160th, Gordon of the 162nd, Watson of the 163rd, Stephens of the 161st and others:

A BILL to be entitled an Act to amend an Act creating the Chatham Area Transit Authority, approved March 28, 1986 (Ga. L. 1986, p. 5082), as amended particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 3587), so as to provide for board membership and staggered terms; to provide for methods of transacting business; to provide for per diem allowances for members and chairperson of the board; to provide for the election of a chairperson; to provide for the audit of books and records of the authority; to repeal a provision providing for financial operations and administrative matters to be performed by Chatham County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1281. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to amend an Act creating the Ware County Water and Sewer Authority, now known as the Satilla Regional Water and Sewer Authority, approved October 1, 2001 (Ga. L. 2001, Ex. Sess., p. 705), as amended, so as to allow members to be elected for unlimited consecutive terms; to repeal a provision relating to expansion of services and addition of members; to reduce the number of days of nonpayment beyond which the authority may disconnect service; to raise the maximum fee for reconnection of service; to exempt the authority from sales and use taxes; to repeal conflicting laws; and for other purposes.

HB 1289. By Representatives Mosby of the 90th, Oliver of the 83rd, Bell of the 58th, Mitchell of the 88th, Waites of the 60th and others:

A BILL to be entitled an Act to amend an Act establishing in DeKalb County districts from which members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, so as to provide for certain terms of office; to provide for the continuation in office of current members; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1290. By Representatives Mosby of the 90th, Oliver of the 83rd, Bell of the 58th, Benfield of the 85th, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend an Act establishing in DeKalb County districts from which members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for certain terms of office; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1299. By Representatives Drenner of the 86th, Henson of the 87th, Mayo of the 91st, Jacobs of the 80th, Gardner of the 57th and others:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum by the electors of DeKalb County for the purpose of ascertaining whether the local or independent school system in DeKalb County or charter school should place or operate a telecommunications tower on any elementary, middle, or high school property; to provide for procedures and requirements relating thereto; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1300. By Representative Pruett of the 144th:

A BILL to be entitled an Act to revise and restate the law relating to the Bleckley County board of education and school superintendent; to provide for the number of members of the board and the districts from which they are elected; to provide for eligibility, manner of election, and filling of vacancies;

to provide for a chairperson and vice chairperson; to provide for reimbursement of expenses; to provide for appointment of the school superintendent; to provide for related matters; to provide for submission of this Act for preclearance under the Voting Rights Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1304. By Representatives Carter of the 175th, Taylor of the 173rd, Black of the 174th, Houston of the 170th, Shaw of the 176th and others:

A BILL to be entitled an Act to provide the director of the pretrial release program for the Southern Judicial Circuit and such other members of the staff of such program as may be designated by the chief judge of such judicial circuit with arrest and certain other powers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has adopted by substitute, by the requisite constitutional majority, the following resolution of the House:

HR 1376. By Representatives Greene of the 149th, Neal of the 1st, Bryant of the 160th, Horne of the 71st and Cheokas of the 134th:

A RESOLUTION authorizing the modification of a ground lease on state owned real property in Baldwin County; authorizing the conveyance of certain state owned real property located in Carroll County; authorizing the conveyance of and an easement on certain state owned real property located in Clinch County; authorizing the conveyance of certain state owned real property located in Coffee County; authorizing the conveyance and acquisition by exchange of certain state owned real property located in Dade County; authorizing the conveyance of certain state owned real property located in Dodge County; authorizing the conveyance of certain state owned real property located in Dougherty County; to provide an effective date; and for other purposes.

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 823. By Representatives Welch of the 110th, Yates of the 73rd, Mosby of the 90th, Baker of the 78th, Mayo of the 91st and others:

A BILL to be entitled an Act to abolish the office of elected county surveyor of Henry County; to provide for the appointment of a county surveyor; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

HB 997. By Representatives Pak of the 102nd, Atwood of the 179th, Tankersley of the 158th, Hightower of the 68th, Cooke of the 18th and others:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide for the new crime of false lien statements against public officers or public employees; to provide for definitions; to provide for penalties; to provide a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1850 Do Pass

The following Resolutions of the House were read and adopted:

HR 1850. By Representatives Hembree of the 67th, Lindsey of the 54th, Jones of the 46th, England of the 108th, Meadows of the 5th and others:

A RESOLUTION congratulating Deana Lynn Mosher upon the occasion of her forthcoming retirement and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 2101. By Representatives Abrams of the 84th, Hugley of the 133rd, Thomas of the 100th, Smyre of the 132nd, Buckner of the 130th and others:

A RESOLUTION recognizing and commending Representative Helen "Sistie" Hudson on the occasion of her retirement; and for other purposes.

HR 2102. By Representatives Abrams of the 84th, Hugley of the 133rd, Thomas of the 100th, Williams of the 165th, Smyre of the 132nd and others:

A RESOLUTION recognizing and commending Representative Lynmore James on the occasion of his retirement; and for other purposes.

HR 2103. By Representatives Abrams of the 84th, Hugley of the 133rd, Thomas of the 100th, Smyre of the 132nd, Buckner of the 130th and others:

A RESOLUTION recognizing and commending Representative Joseph B. Heckstall on the occasion of his retirement; and for other purposes.

HR 2104. By Representatives Abrams of the 84th, Hugley of the 133rd, Thomas of the 100th, Smyre of the 132nd, Buckner of the 130th and others:

A RESOLUTION recognizing and commending Representative Elly Dobbs on the occasion of her retirement; and for other purposes.

HR 2105. By Representatives Abrams of the 84th, Hugley of the 133rd, Smyre of the 132nd, Buckner of the 130th, Thomas of the 100th and others:

A RESOLUTION recognizing and commending Representative Stephanie Stuckey Benfield on the occasion of her retirement; and for other purposes.

HR 2106. By Representatives Abrams of the 84th, Hugley of the 133rd, Thomas of the 100th, Williams of the 165th, Smyre of the 132nd and others:

A RESOLUTION recognizing and commending Representative Roberta Abdul-Salaam on the occasion of her retirement; and for other purposes.

HR 2107. By Representatives Smith of the 70th, Byrd of the 20th, Holt of the 112th, Hatfield of the 177th, Burns of the 157th and others:

A RESOLUTION recognizing and commending Representative William Horne on the occasion of his retirement; and for other purposes.

HR 2108. By Representatives Smith of the 70th, Purcell of the 159th, Houston of the 170th, Jones of the 46th, Sims of the 119th and others:

A RESOLUTION recognizing and commending Representative Helen G. "Sistie" Hudson on the occasion of her retirement; and for other purposes.

HR 2109. By Representative Ralston of the 7th:

A RESOLUTION recognizing and honoring Georgia Guard soldiers and airmen and others who have fallen during Operation Iraqi Freedom and Operation Enduring Freedom; and for other purposes.

HR 2110. By Representatives Brooks of the 63rd and Bruce of the 64th:

A RESOLUTION recognizing and commending Mr. Kevin Cole; and for other purposes.

HR 2111. By Representative Brooks of the 63rd:

A RESOLUTION recognizing and commending Ms. Daisy Mae Johnson on the occasion of her 100th birthday; and for other purposes.

HR 2112. By Representatives Reece of the 11th, Dempsey of the 13th, Crawford of the 16th and Coomer of the 14th:

A RESOLUTION recognizing and commending the Honor Guard of Shanklin-Attaway Post Five American Legion; and for other purposes.

HR 2113. By Representatives Reece of the 11th, Dempsey of the 13th, Crawford of the 16th and Coomer of the 14th:

A RESOLUTION recognizing and commending Mr. Keon Lee; and for other purposes.

HR 2114. By Representative Reece of the 11th:

A RESOLUTION recognizing and commending Brandon Siffles; and for other purposes.

HR 2115. By Representatives Reece of the 11th and Maddox of the 172nd:

A RESOLUTION recognizing and commending Chief Jimmy Anderson; and for other purposes.

HR 2116. By Representatives Reece of the 11th and Maddox of the 172nd:

A RESOLUTION recognizing and commending Captain Ben Bandy; and for other purposes.

HR 2117. By Representatives Reece of the 11th and Maddox of the 172nd:

A RESOLUTION recognizing and commending Jim Purcell; and for other purposes.

HR 2118. By Representatives Smith of the 70th and Horne of the 71st:

A RESOLUTION recognizing and commending Cancer Treatment Centers of America; and for other purposes.

HR 2119. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Dr. Phillip R. Neely, Jr.; and for other purposes.

HR 2120. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Ms. Tiana Ferrell; and for other purposes.

HR 2121. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Pastor Jerry L. Brown; and for other purposes.

HR 2122. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Dr. Lateshia Woodley; and for other purposes.

HR 2123. By Representative Burns of the 157th:

A RESOLUTION recognizing and commending the Screven County Development Authority; and for other purposes.

HR 2124. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending the City of Hapeville; and for other purposes.

HR 2125. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Dr. Johnny L. Wilson; and for other purposes.

HR 2126. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Angela Elizabeth Brown; and for other purposes.

HR 2127. By Representative Crawford of the 16th:

A RESOLUTION commending Austin David Goggins, Polk County School System and Cedartown High School's 2012 STAR Student; and for other purposes.

HR 2128. By Representatives Welch of the 110th, Davis of the 109th, Yates of the 73rd, Mosby of the 90th and Mayo of the 91st:

A RESOLUTION honoring the life and memory of Mr. William Douglas "Doug" Coker, Sr.; and for other purposes.

HR 2129. By Representative Holcomb of the 82nd:

A RESOLUTION recognizing and commending Henderson Mill Elementary School; and for other purposes.

HR 2130. By Representative Jasperse of the 12th:

A RESOLUTION recognizing and commending Reverend David Stuart; and for other purposes.

HR 2131. By Representative Dempsey of the 13th:

A RESOLUTION recognizing and commending Mrs. Krisztina Kilpatrick, Rome City Schools 2013 Teacher of the Year; and for other purposes.

HR 2132. By Representative Hudson of the 124th:

A RESOLUTION commending Ms. Monica Poole, Hancock Central High School's 2012 STAR Teacher; and for other purposes.

HR 2133. By Representative Hudson of the 124th:

A RESOLUTION commending Jamichael Williams, Hancock Central High School's 2012 STAR Student; and for other purposes.

HR 2134. By Representatives Collins of the 27th, Allison of the 8th and Rogers of the 10th:

A RESOLUTION recognizing White County High School's Warrior Television Network; and for other purposes.

HR 2135. By Representative Hudson of the 124th:

A RESOLUTION recognizing Jack Collins and George Cook; and for other purposes.

HR 2136. By Representatives Rogers of the 26th, Dunahoo of the 25th, Collins of the 27th and Benton of the 31st:

A RESOLUTION honoring the life and memory of Mr. Gerald Gailey; and for other purposes.

HR 2137. By Representative Golick of the 34th:

A RESOLUTION recognizing and commemorating the kickoff of the Great American Cleanup in Georgia and the 74 local Keep America Beautiful affiliates; and for other purposes.

HR 2138. By Representatives Welch of the 110th, Yates of the 73rd and Knight of the 126th:

A RESOLUTION honoring the life and memory of Officer Bennie Eugene Reinhardt; and for other purposes.

HR 2139. By Representatives Jasperse of the 12th and Hembree of the 67th:

A RESOLUTION recognizing and commending Pastor Max Carter Caylor on the occasion of his retirement; and for other purposes.

HR 2140. By Representative Henson of the 87th:

A RESOLUTION recognizing and commending Victory of the World Church on the occasion of its 25th anniversary; and for other purposes.

HR 2141. By Representatives Golick of the 34th and Evans of the 40th:

A RESOLUTION recognizing and commending Judge Dorothy A. Robinson on the occasion of her retirement; and for other purposes.

HR 2142. By Representative Golick of the 34th:

A RESOLUTION recognizing and commending Log Cabin Community Church on the occasion of its 100th anniversary; and for other purposes.

HR 2143. By Representative Allison of the 8th:

A RESOLUTION honoring the life and memory of Deputy Sheriff Derrick Lee Whittle; and for other purposes.

HR 2144. By Representatives Harden of the 28th, Allison of the 8th, Riley of the 50th, Brockway of the 101st, Harden of the 147th and others:

A RESOLUTION recognizing and commending Mrs. Julie Jordan; and for other purposes.

HR 2145. By Representatives Welch of the 110th, Davis of the 109th, Yates of the 73rd and Mayo of the 91st:

A RESOLUTION recognizing and commending the Henry County E2: Economics and Education Task Force; and for other purposes.

HR 2146. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Ms. Alethea R. Bonello; and for other purposes.

HR 2147. By Representatives Drenner of the 86th, Henson of the 87th, Abrams of the 84th, Ralston of the 7th, Mosby of the 90th and others:

A RESOLUTION recognizing and commending Representative Stephanie Stuckey Benfield on the occasion of her retirement; and for other purposes.

HR 2148. By Representative Golick of the 34th:

A RESOLUTION recognizing and commending the Vinings Historic Preservation Society; and for other purposes.

HR 2149. By Representatives Yates of the 73rd, Collins of the 27th, Black of the 174th, Hatchett of the 143rd, Thomas of the 100th and others:

A RESOLUTION recognizing and commending Mr. Tom Cook on the occasion of his retirement; and for other purposes.

HR 2150. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Riverdale Mayor Dr. Evelyn Wynn-Dixon; and for other purposes.

HR 2151. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending The Home Depot Foundation; and for other purposes.

HR 2152. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Reverend Terrie Welch; and for other purposes.

HR 2153. By Representative Hatfield of the 177th:

A RESOLUTION recognizing and commending Ms. Faye Mosley on the occasion of her 82nd birthday; and for other purposes.

HR 2154. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Harry Wilson Prevatt; and for other purposes.

HR 2155. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Mary Patricia "Pat" Beverly; and for other purposes.

HR 2156. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Ann Georgine Cash Smith; and for other purposes.

HR 2157. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Mary Lenas Rivers; and for other purposes.

HR 2158. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. James B. "Jim" McDonald; and for other purposes.

HR 2159. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. William Harris Sutton; and for other purposes.

HR 2160. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Wayne Sears; and for other purposes.

HR 2161. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Leatrice W. White; and for other purposes.

HR 2162. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Carole Dalton Capps; and for other purposes.

HR 2163. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Iris Faye Bokor; and for other purposes.

HR 2164. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Julie Carmichael Pierce Tomlinson; and for other purposes.

HR 2165. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Raymond Keith Scurry; and for other purposes.

HR 2166. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Eustace Bernell "Dick" Tanner; and for other purposes.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate:

SB 516. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend an Act making provisions for the Magistrate Court of Chatham County and abolishing the Magistrate Court of Savannah, approved March 21, 1984 (Ga. L. 1984, p. 4422), as amended, particularly by an Act approved March 19, 1987 (Ga. L. 1987, p. 4222), so as to provide for the collection of additional costs as law library fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 110. By Senators Murphy of the 27th, Bulloch of the 11th, Miller of the 49th, Gooch of the 51st, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 12-8-25.3 of the Official Code of Georgia Annotated, relating to further restrictions on municipal solid waste landfill sites within significant ground-water recharge areas or near military air space used as a bombing range and untreated municipal sewage sludge, so as to repeal certain provisions relating to restrictions on municipal solid waste landfill sites within significant ground-water recharge areas; to eliminate a reference to such provisions; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Tolleson of the 20th, Murphy of the 27th, and Mullis of the 53rd.

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 203. By Senators Bethel of the 54th, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 23 of Title 33 of the Official Code of Annotated, relating to licensing of agents, agencies, subagents, counselors, and adjusters, so as to provide that certain individuals who collect and input data into an automated claims adjudication system are exempt from licensure; to provide for definitions; to change certain resident independent adjuster license requirements; to add certain nonresident independent adjuster license requirements; to provided for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Goggans of the 7th, Shafer of the 48th, and Bethel of the 54th.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 872. By Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Shaw of the 176th moved that the House insist on its position in disagreeing to the Senate substitute to HB 872 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Shaw of the 176th, Ramsey of the 72nd and Smith of the 131st.

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

*Amend HB 875 by inserting after "*To*" at the beginning of line 1 the following:*
amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required for certain records and disclosure of exempting legal authority, so as to exempt certain records of the Department of Agriculture from disclosure; to

By redesignating Section 1 as Section 1A and inserting after the enacting clause the following:

SECTION 1.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required for certain records and disclosure of exempting legal authority, is amended by adding a new paragraph in subsection (a) to read as follows:
"(10.4) Records, data, or information compiled and maintained by the Department of Agriculture regarding applicants for or recipients of certification for taxation purposes as a qualified agriculture producer as defined in Code Section 48-8-3.3; provided, however, that nothing in this paragraph shall prevent the release of such records, data, or information to a law enforcement officer, prosecutor, or judge or another state or federal agency for use in the investigation or prosecution of alleged criminal or unlawful activity or for other official use;"

Representative Knight of the 126th moved that the House disagree to the Senate amendment to HB 875.

The motion prevailed.

HB 39. By Representatives Benton of the 31st, England of the 108th, McKillip of the 115th and Walker of the 107th:

A BILL to be entitled an Act to amend Code Section 20-2-690.1 of the Official Code of Georgia Annotated, relating to mandatory education for children between ages six and 16, so as to provide that notice by local school systems to parents relating to unexcused absences may be made by United States mail; to revise provisions relating to content of notice; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school superintendents; to provide that notice by local school systems to parents relating to unexcused absences may be made by United States mail; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, is amended in Code Section 20-2-690, relating to requirements for private schools and home study programs, by revising subsection (c) as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education, which may provide for electronic submittal of such declaration of intent ~~superintendent of schools of the local school district in which the home study program is located~~;

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the

permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) Attendance records for the home study program shall be kept and shall be submitted annually to the Department of Education and additionally, in accordance with department regulations for purposes of verification of attendance by the Department of Public Safety, for the purposes set forth in subsection (a.1) of Code Section 40-5-22. The department may provide for electronic submittal of such records ~~at the end of each month to the school superintendent of the local school district in which the home study program is located~~. Attendance records and reports shall not be used for any purpose except providing necessary attendance information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 2.

Said subpart is further amended in Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, by revising subsection (c) as follows:

"(c) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who ~~shall violate~~ violates this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $25.00 and not greater than $100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested, or first-class mail. Prior to any action to commence judicial proceedings to impose a penalty for violating this subsection on a parent, guardian, or other person residing in this state who has control or charge of a child or children, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child~~,~~ or children. Public schools shall retain signed copies of statements through the end of the school year."

SECTION 3.

Said subpart is further amended in Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, by revising subsection (d) as follows:

"(d) Local school superintendents in the case of private schools or home study programs and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs."

SECTION 4.

Said subpart is further amended in Code Section 20-2-694, relating to administration and enforcement of compulsory attendance laws, as follows:

"20-2-694.

It shall be the duty of each county and independent school system board of education and each local school superintendent within the state to administer this subpart and to secure its enforcement in cooperation with the other state and county agencies and in cooperation with the administrators of private schools and parents or guardians providing a home study program. The Department of Education shall coordinate with boards of education and local school superintendents regarding administration of this part with respect to students in home study programs."

SECTION 5.

Said subpart is further amended in Code Section 20-2-701, relating to local school superintendents or visiting teachers and attendance officers to report truants to juvenile or other courts, by revising subsection (a) as follows:

"(a) Local school superintendents as applied to private schools and home study programs or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs."

SECTION 6.

Sections 1, 3, 4, and 5 of this Act shall be applicable beginning with school year 2012-2013.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

Representative Benton of the 31st moved that the House agree to the Senate substitute to HB 39.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Mitchell	N Smith, E

Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Horne	Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
N Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	N Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	N Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	N Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 159, nays 9.

The motion prevailed.

Representative Beverly of the 139th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 634. By Representatives Sheldon of the 105th, Rice of the 51st, Coleman of the 97th, Harrell of the 106th and Casas of the 103rd:

A BILL to be entitled an Act to amend Code Section 48-5-24 of the Official Code of Georgia Annotated, relating to installment payment of ad valorem taxes, so as to change the provisions relative to population brackets and the census regarding interest on unpaid ad valorem taxes in each county of this state having a population of 800,000 or more according to the United States decennial census of 2000 or any future such census, so that such provisions remain applicable to such counties; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to change certain provisions relating to population brackets and census application; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by revising subsection (b), the introductory language preceding subparagraph (A) in paragraph (1) of subsection (c), and subsection (e) of Code Section 48-5-24, relating to the payment of taxes to county in which returns are made and penalty on delinquent tax payments in certain counties, as follows:

"(b) In all counties having a population of not less than ~~625,000~~ 690,000 nor more than ~~700,000~~ 800,000 according to the United States decennial census of ~~2000~~ 2010 or any future such census, the taxes shall become due in two equal installments. One-half of the taxes shall be due and payable on July 1 of each year and shall become delinquent if not paid by August 15 in each year. The remaining one-half of the taxes shall be due and payable on October 1 of each year and shall become delinquent if not paid by November 15 of each year. A penalty not to exceed 5 percent of the amount of each installment shall be added to each installment that is not paid before the installment becomes delinquent. Intangible taxes in one installment shall become due on October 1 of each year and shall become delinquent if not paid by December 31. A penalty not to exceed 5 percent of the amount of intangible taxes due shall be added to any installment that is not paid before it becomes delinquent. All taxes remaining unpaid as of the close of business on December 31 of each year shall bear interest at the rate specified in Code Section 48-2-40, but in no event shall an interest payment for delinquent taxes be less than $1.00. The tax collectors shall issue executions for delinquent taxes, penalties, and interest against each delinquent taxpayer in their respective counties. Notwithstanding the foregoing, the governing authority of any county subject to this subsection may change the tax due dates provided in this subsection if the county's tax digest is not approved pursuant to Code Section 48-5-271 before July 1 of any year."

"(c)(1) All ad valorem taxes, fees, service charges, and assessments owed by any taxpayer to any county in this state having a population of ~~800,000~~ 900,000 or more according to the United States decennial census of ~~2000~~ 2010 or any future such census or to any municipality lying wholly or partially within such county and having a population of 350,000 or more according to the United States decennial census of

1970 or any future such census, which are not paid when due shall bear interest at the following rates until paid:"

"(e) In all counties having a population of not less than ~~595,000~~ 680,000 nor more than ~~660,000~~ 690,000 according to the United States decennial census of ~~2000~~ 2010 or any future such census, the taxes shall become due and payable on August 15 in each year and shall become delinquent if not paid by October 15 of each year. A penalty of 5 percent of the tax due shall accrue on taxes not paid on or before October 15 of each year, and interest shall accrue at the rate specified in Code Section 48-2-40 on the total amount of unpaid taxes and penalty until both the taxes and the penalty are paid. The tax collectors shall issue executions for delinquent taxes, penalties, and interest against each delinquent taxpayer in their respective counties. Nothing contained in this subsection shall be construed to impose any liability for the payment of any ad valorem taxes upon any person for property which was not owned on January 1 of the applicable tax year."

SECTION 2.

Said chapter is further amended by revising subparagraph (L) of paragraph (3) of Code Section 48-5-40, relating to definitions, as follows:

"(L) In all counties having a population of not less than ~~19,200~~ 23,500 nor more than ~~19,750~~ 23,675, according to the United States decennial census of ~~2000~~ 2010 or any future such census, where the person who is the applicant holds real property subject to a written lease; the applicant has held the property subject to such a lease for not less than three years prior to the year for which application is made; and the applicant is the owner of all improvements located on the real property;"

SECTION 3.

This Act shall become effective July 1, 2012.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Representative Sheldon of the 105th moved that the House agree to the Senate substitute to HB 634.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R

Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 170, nays 0.

The motion prevailed.

HB 706. By Representatives Dudgeon of the 24th, Coleman of the 97th, England of the 108th, Kaiser of the 59th, Dickson of the 6th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to delete obsolete, unused, and unnecessary provisions; to clarify a provision relating to eligibility for enrollment; to eliminate a deadline for annual performance evaluations; to clarify the legal status of regional educational service agencies; to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school systems; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to delete obsolete, unused, and unnecessary provisions; to clarify a provision relating to eligibility for enrollment; to eliminate a deadline for annual performance evaluations; to clarify the legal status of regional educational service agencies; to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school systems; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-5, relating to oaths of members of the State Board of Education, board meetings, and the chairperson, as follows:

"20-2-5.

The members of the State Board of Education shall take an oath of office for the faithful performance of their duties and the oath of allegiance to the federal and state Constitutions. ~~They shall meet at the state capital in the Department of Education or at such place in the capital as may be designated by the Governor for that purpose.~~ The state board shall meet quarterly in regular session at such time as it may by regulation provide and may hold additional meetings at the call of the chairperson, provided that upon the written request of a majority of the members of the state board, the State School Superintendent shall call a meeting at any time."

SECTION 2.

Said chapter is further amended by revising Code Section 20-2-5.2, relating to elections of chairperson and other officers of the State Board of Education, and the term, duties, and authority of the chairperson, as follows:

"20-2-5.2.

The State Board of Education shall elect a chairperson and such other officers it may deem appropriate. The term of the chairperson shall be fixed by the state board. The chairperson shall preside at meetings of the state board, set the agenda for the state board, and perform such other duties as required by the state board. ~~The chairperson is authorized, after a reasonable attempt at consultation with the State School Superintendent, to require any employee of the Department of Education to furnish information or perform functions for the state board.~~"

SECTION 3.

Said chapter is further amended by revising Code Section 20-2-7, relating to where committee meetings of the State Board of Education may be held, as follows:

"20-2-7.

The members of the State Board of Education as a committee or any committee of the state board ~~when authorized by board action taken at a meeting held at the state capital in the Department of Education~~ may hold committee meetings anywhere within or outside this state when necessary to obtain information for future guidance of the state board; provided, however, that no action of the state board shall be of force and effect unless such action is taken at a regular or called meeting of the state board ~~held at the state capital in the Department of Education as provided by Code Section 20-2-5~~."

SECTION 4.

Said chapter is further amended by repealing and reserving Code Section 20-2-12, relating to educational television programs.

SECTION 5.

Said chapter is further amended by repealing and reserving Code Section 20-2-100, relating to substituting county school superintendent for county school commissioner.

SECTION 6.

Said chapter is further amended by revising Code Section 20-2-103, relating to the oath of the county school superintendent, as follows:

"20-2-103.

Before entering upon the discharge of his or her official duties, the ~~county~~ local school superintendent shall take and subscribe to the ~~same~~ following oath of office ~~required of the other officers of this state.~~:

STATE OF GEORGIA

COUNTY OF _____

I, _____, do solemnly swear or affirm that I will truly perform the duties of local school superintendent of the _____ School System to the best of my ability.

I do further swear or affirm:

(1) That I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;

(2) That I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding;

(3) That I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; and

(4) That I will support the Constitution of the United States and of this state.

_____

Signature of local school superintendent

_____
Typed name of member of
_____ local school superintendent

Sworn and subscribed
before me this _____ day
of _____, ____.
(SEAL)."

SECTION 7.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-150, relating to eligibility for enrollment, as follows:

"(b) A child who was a legal resident of one or more other states or countries for a period of two years immediately prior to moving to this state and who was legally enrolled in a public kindergarten or first grade, or a kindergarten or first grade accredited by a state or regional association or the equivalent thereof, shall be eligible for enrollment in the appropriate general or special education programs authorized in this part if such child will attain the age of five for kindergarten or six for first grade by December 31 and is otherwise qualified."

SECTION 8.

Said chapter is further amended in Code Section 20-2-168, relating to distribution of federal funds, combined purchase of supplies and equipment, minimum school year, summer school programs, and year-round operation, by repealing subsection (f), relating to the "Summer Opportunity Program."

SECTION 9.

Said chapter is further amended by revising subsection (d) of Code Section 20-2-210, relating to annual performance evaluations for school personnel, as follows:

"(d) The superintendent of each local school system shall identify an appropriately trained evaluator for each person employed by the local unit of administration for the purposes of completing an annual evaluation as required in subsections (a) and (b) of this Code section. ~~The evaluator shall be required to complete such annual evaluation for each certificated person prior to April 1 of each year.~~ The superintendent of each local school system shall be responsible for ensuring compliance with this Code section."

SECTION 10.

Said chapter is further amended by repealing and reserving Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage.

SECTION 11.

Said chapter is further amended by repealing and reserving Code Section 20-2-212.4, relating to an additional five percent increase in teacher salary based on student performance.

SECTION 12.

Said chapter is further amended by repealing and reserving Code Section 20-2-213, relating to career ladder programs.

SECTION 13.

Said chapter is further amended by repealing Code Section 20-2-231, relating to the Georgia Education Leadership Academy.

SECTION 14.

Said chapter is further amended by repealing Code Section 20-2-232, relating to staff development plans by local school systems.

SECTION 15.

Said chapter is further amended by revising Code Section 20-2-240, relating to the powers and duties of the State Board of Education, as follows:

"20-2-240.

~~(a)~~ The State Board of Education shall adopt and prescribe all rules, regulations, and policies required by this article and such other rules, regulations, and policies as may be reasonably necessary or advisable for proper implementation, enforcement, and carrying out of this article and other public school laws and for assuring a more economical and efficient operation of the public schools of this state or any phase of public elementary and secondary education in this state. The state board shall establish and enforce standards for operation of all public elementary and secondary schools and local units of administration in this state so as to assure, to the greatest extent possible, equal and quality educational programs, curricula, offerings, opportunities, and facilities for all of Georgia's children and youth and for economy and efficiency in administration and operation of public schools and local school systems throughout the state. The state board shall have the power to perform all duties and to exercise all responsibilities vested in it by provisions of law for the improvement of public elementary and secondary education in this state, including actions designed to improve teacher and school effectiveness through research and demonstration projects. The state board shall have the power to take such actions as it deems necessary to ensure that the citizens have full awareness and knowledge relative to the costs, quality, and performance of the public elementary and secondary schools of this state. All rules, regulations, policies, and standards adopted or prescribed by the state board in carrying out this article and other school laws shall, if not in conflict therewith, have the full force and effect of law.

~~(b) The State Board of Education is authorized, after a reasonable attempt at consultation with the State School Superintendent, to organize and reorganize the Department of Education and the various offices, divisions, sections, and units thereof and to prescribe the duties, functions, and operations of each at such times and in such manner as the state board may deem necessary or desirable for the more economical or effective organization, administration, or functioning of the department.~~"

SECTION 16.

Said chapter is further amended by repealing and reserving Code Section 20-2-251, relating to demonstration programs.

SECTION 17.

Said chapter is further amended by repealing and reserving Code Section 20-2-252, relating to electronic technology.

SECTION 18.

Said chapter is further amended by repealing and reserving Code Section 20-2-253, relating to achievement grants.

SECTION 19.

Said chapter is further amended by repealing and reserving Code Section 20-2-254, relating to educational research.

SECTION 20.

Said chapter is further amended by adding a new subsection to Code Section 20-2-270, relating to the establishment of a state-wide network of regional educational service agencies, to read as follows:

"(f) Regional educational service agencies are not state agencies but shall be considered local units of administration for purposes of this chapter."

SECTION 21.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-281, relating to assessment of effectiveness of educational programs, as follows:

"(b) The nationally normed assessments provided for in subsection (a) of this Code section shall provide students and their parents with grade equivalencies and percentile ranks which result from the administration of such tests. Criterion-referenced tests and the high school graduation test provided for in subsection (a) of this Code section shall provide for results that reflect student achievement at the individual student, classroom, school, system, and state levels. The State Board of Education shall participate in the National Assessment of Educational Progress (NAEP) and may participate in any other tests that will allow benchmarking this state's performance against national or international performance. The results of such testing shall be provided to the Governor, the General Assembly, and the State Board of Education and shall be

reported to the citizens of Georgia. Further, the state board shall adopt a school readiness assessment for students entering first grade and shall administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary supplements as part of a pay for performance or related plan ~~pursuant to Code Section 20-2-213 or other Code sections~~ under this article may be assessments of student achievement."

SECTION 22.

Said chapter is further amended by repealing Code Section 20-2-285.1, relating to provisions applicable to third-grade criterion-referenced reading assessment students.

SECTION 23.

Said chapter is further amended by repealing and reserving Code Section 20-2-303, relating to educational television.

SECTION 24.

Said chapter is further amended by repealing and reserving Code Section 20-2-312, relating to a state program for middle school children during nonschool hours.

SECTION 25.

Said chapter is further amended by revising Code Section 20-2-500, relating to promulgation of rules and regulations for contracts or purchases over $100.00, purchases over $100,000.00, and vendor preferences, as follows:

"20-2-500.

(a) ~~The State Board of Education is authorized to promulgate rules and regulations to regulate contracts or purchases which involve the aggregate sum of $100.00 or more for or on behalf of students of any public elementary or secondary school supported in whole or in part from public funds.~~

~~(b)~~(1) ~~Such rules~~ Local boards of education shall provide that ~~such~~ contracts for or purchases of supplies, materials, equipment, or agricultural products, including but not limited to school buses but not including instructional materials or beverages for immediate consumption, for public elementary and secondary schools supported in whole or in part from public funds shall give preference as far as may be reasonable and practicable to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in this state. Such preference shall not sacrifice quality.

(2) ~~Such rules~~ Local boards of education shall provide that, in determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds $100,000.00, the local school district shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance

of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. No local school district shall divide a contract or purchase which exceeds $100,000.00 for the purpose of avoiding the requirements of this paragraph.

~~(c)~~(b) Vendors resident in the State of Georgia are to be granted the same preference over vendors resident in another state in the same manner, on the same basis, and to the same extent that preference is granted in awarding bids for the same goods or services by such other state to vendors resident therein over vendors resident in the State of Georgia.

~~(d)~~(c) Nothing in this Code section shall negate the requirements of Code Section 50-5-73."

SECTION 26.

Said chapter is further amended by repealing and reserving Code Section 20-2-501, relating to the prohibition of contracts or purchases over $100.00 which are not in compliance with rules and regulations.

SECTION 27.

Said chapter is further amended by repealing and reserving Code Section 20-2-502, relating to disciplining measures for violations of Code Section 20-2-501.

SECTION 28.

Said chapter is further amended by repealing and reserving Code Section 20-2-503, relating to the authority of local boards of education to purchase educational information, literature, and services.

SECTION 29.

Said chapter is further amended by repealing and reserving Article 15, relating to school census.

SECTION 30.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating to requirements for private schools and home study programs, as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education, which may provide for electronic submittal of such declaration of intent ~~superintendent of schools of the local school district in which the home study program is located~~;

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is

located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) Attendance records for the home study program shall be kept and shall be submitted annually to the Department of Education, which may provide for electronic submittal of such records ~~at the end of each month to the school superintendent of the local school district in which the home study program is located~~. Attendance records and reports shall not be used for any purpose except providing necessary attendance information, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of attendance by the Department of Public Safety for the purposes set forth in subsection (a.1) of Code Section 40-5-22;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 31.

Said chapter is further amended by revising subsection (d) of Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, as follows:

"(d) Local school superintendents in the case of private schools, the Department of Education in the case of ~~or~~ home study programs, and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart."

SECTION 32.

Said chapter is further amended by revising Code Section 20-2-694, relating to administration and enforcement of compulsory attendance laws, as follows:

"20-2-694.

It shall be the duty of each county and independent school system board of education, ~~and~~ each local school superintendent within the state, and the Department of Education to administer this subpart and to secure its enforcement in cooperation with the other state and county agencies and in cooperation with the administrators of private schools and parents or guardians providing a home study program."

SECTION 33.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-701, relating to local school superintendents or visiting teachers and attendance officers to report truants to juvenile or other courts, as follows:

"(a) Local school superintendents as applied to private schools, the Department of Education as applied to ~~and~~ home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child."

SECTION 34.

Said chapter is further amended by repealing Code Section 20-2-741, relating to local boards of education sending copies of student codes of conduct to the Department of Education.

SECTION 35.

Said chapter is further amended by repealing and reserving Code Section 20-2-771.1, relating to voluntary preenrollment of children.

SECTION 36.

Said chapter is further amended by repealing and reserving Code Section 20-2-960, relating to requiring bonds of principals.

SECTION 37.

Said chapter is further amended in Code Section 20-2-984, relating to the authority of the Professional Standards Commission, by repealing and reserving subsection (e), relating to demonstration plans under Code Section 20-2-251.

SECTION 38.

Said chapter is further amended by repealing and reserving Article 20, the "Education Partnership Act of 1990."

SECTION 39.

Said chapter is further amended by repealing and reserving Code Section 20-2-1183, relating to possession of electronic communication devices in school.

SECTION 40.

All laws and parts of laws in conflict with this Act are repealed.

Representative Dudgeon of the 24th moved that the House agree to the Senate substitute to HB 706.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Hanner	Y Lindsey	Y Rice	Y Willard

Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 168, nays 0.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 1066. By Representative Williams of the 4th:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change certain provisions relating to alcoholic beverage licenses; to provide for staggered renewal dates for certain licenses; to revise certain provisions relating to sales of alcoholic beverages near churches, school buildings, and other sites; to declare certain distilled spirits to be contraband if not acquired from certain licensees; to establish an annual occupational license tax upon special event applicants; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 811. By Representatives Powell of the 171st, Meadows of the 5th, England of the 108th, Hamilton of the 23rd, Nix of the 69th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to management of budgetary and financial affairs, so as to provide for automatic fee adjustments in cases where funds are not appropriated in certain amounts for specified purposes when certain fees are imposed for such purposes; to

provide for definitions, procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Powell of the 171st moved that the House insist on its position in disagreeing to the Senate substitute to HB 811 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Powell of the 171st, Channell of the 116th and Hamilton of the 23rd.

HB 456. By Representatives Byrd of the 20th, Hill of the 21st, Braddock of the 19th, Jerguson of the 22nd, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to create the Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies contingent upon adoption of a resolution by the General Assembly declaring that the state laws applicable to such agency have been repealed, revised, or reassigned; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to create the Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies contingent upon adoption of a resolution by the General Assembly declaring that the state laws applicable to such

agency have been repealed, revised, or reassigned; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, is amended by designating Code Sections 50-4-1 through 50-4-7 as Article 1 and by adding a new article to read as follows:

"ARTICLE 2

50-4-20.

This article shall be known and may be cited as the 'Georgia Government Accountability Act.' It is the intent of the General Assembly to establish a method by which the efficiency of state government shall be reviewed and the productivity of each agency evaluated. This article is meant to ensure that the valuable resources of the state are best utilized and that state agencies are held accountable for their service to the public and their responsiveness to the needs of the citizens of this state.

50-4-21.

(a) There is created as a joint committee of the General Assembly the Legislative Sunset Advisory Committee to be composed of seven members of the House of Representatives appointed by the Speaker of the House and seven members of the Senate appointed by the President of the Senate. One of the appointees appointed by the Speaker of the House shall be a Governor's floor leader in the House of Representatives and one of the members appointed by the President of the Senate shall be a Governor's floor leader in the Senate. At least one of the appointees appointed by the Speaker of the House and at least one of the appointees appointed by the President of the Senate shall be a member of the minority party. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. A cochairperson of the committee shall be appointed by the President of the Senate from the membership of the committee, and a cochairperson of the committee shall be appointed by the Speaker of the House from the membership of the committee. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. The cochairpersons shall each be authorized to appoint no more than two ex officio members of the committee. Vacancies in an appointed member's position or in the offices of cochairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall advise the General Assembly regarding the agency sunset provisions required by this article.

(b) The Senate and the House of Representatives, in cooperation with the office of the Governor, may each employ staff to work for the cochairpersons of the committee on matters related to committee activities.

(c) In carrying out its function under this article, the committee may request, through the cochairpersons, the assistance of any state agency or office. When so requested, a state agency or office shall assist the committee. The committee or its designated staff member may inspect, review, and copy the records, documents, and files of any state agency that are subject to public disclosure. All information subject to public disclosure shall be made available for review and copying within three business days.

50-4-22.

(a)(1) The Legislative Sunset Advisory Committee shall review all state agencies, including all boards, departments, advisory committees, authorities, bureaus, offices, and any other state entity of the executive branch of state government regardless of its designation. The committee shall be responsible for establishing a schedule for the routine review of state agencies. It shall be the responsibility of the Legislative Sunset Advisory Committee to schedule agency reviews. The Legislative Sunset Advisory Committee shall have the discretion to add any agency to the review schedule or to modify an agency's scheduled review.

(2) This article shall not apply to any state entity to which state funds are not appropriated in an appropriations Act.

(b) Except as provided by this Code section, an agency subject to review by the Legislative Sunset Advisory Committee shall be automatically abolished on the one-year anniversary of the committee's decision recommending that such agency be abolished; provided, however, that no agency shall be abolished unless or until the General Assembly finds by adoption of a joint resolution that the state laws that the agency is responsible for implementing or enforcing have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made for the transfer from the abolished agency to a successor agency of all duties, real property, debts, and obligations, including those relating to bonds, loans, promissory notes, lease-purchase agreements, installment sales contracts, financing agreements, or any other form of indebtedness such that security therefor and the rights of bondholders or holders of other indebtedness are not impaired.

(c) If the General Assembly does not take action to continue an agency before the date of its abolishment, the agency shall submit its legislative budget request consistent with the recommendations of the review of the Legislative Sunset Advisory Committee or any law transferring the agency's functions to other entities.

(d) Any agency established by constitutional provision shall not be subject to automatic abolishment as provided in subsection (a) of this Code section. The committee shall review the constitutionally established agency in the same manner and shall report to the General Assembly any recommended constitutional amendments needed for the reorganizing or abolishing of such constitutionally created agency.

(e) Any board, commission, advisory council, or similar body included in the term 'agency' as defined in Code Section 50-4-1 that has not held an open public meeting for a period of more than 12 months shall be considered automatically abolished without the need for further agency review as required by this article. The committee shall be responsible for presenting legislation to repeal existing statutory provisions relating to the abolished agency. The committee shall give public notice of any proposed legislation not later than the first day of December of the year preceding its introduction.
(f) Except as otherwise expressly provided by law, abolition of a state agency shall not affect the rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the abolition.

50-4-23.
(a) Not later than six months prior to the date on which a state agency is scheduled to be reviewed, the agency shall provide the Legislative Sunset Advisory Committee with a report outlining the agency's efficiency and productivity and the extent to which the agency utilizes state resources to best meet the needs of the public.
(b) The report required by this Code section shall, at a minimum, include the following:
(1) A comprehensive list of state programs and services performed by the agency, including all special purpose activities undertaken to realize identifiable goals and objectives in order to achieve the agency's mission and legislative intent;
(2) An accounting of state resources appropriated to and spent by the agency;
(3) An explanation of factors that have contributed to any failure to achieve legislated standards or directives;
(4) The extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which public participation has resulted in rules compatible with the objectives of the agency;
(5) A statement of any statutory objectives intended for each program and activity, the problem or need that the program or activity is intended to address, and the extent to which these objectives have been achieved;
(6) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which those programs can be eliminated, reorganized, privatized, or consolidated with those of other agencies;
(7) A self-examining assessment of the agency's efficiency and areas of needed improvement, including goals and objectives for improvement, and the means by which the agency intends to meet these goals and objectives;
(8) Recommendations for statutory or budgetary changes that would improve the agency's programs and operations, reduce costs, or improve services to state residents;
(9) The effect of federal intervention or loss of federal funds if the agency, or any of its programs or activities, is abolished;

(10) An assessment of alternative methods of providing services for which the agency is responsible that would reduce costs or improve performance while adequately protecting the public interest;
(11) An assessment of the agency and its programs to determine whether the agency or its programs should be eliminated, reorganized, privatized, or consolidated;
(12) A detailed summary of the agency's hiring and retention patterns for the previous five years;
(13) An assessment of the extent to which the agency has corrected any deficiencies and implemented recommendations contained in any state or federal audits or court decisions;
(14) A list of all advisory committees and boards of the agency, whether established in statute or by the agency; their purposes, activities, composition, and expenses; and an assessment of the extent to which their purposes have been achieved and the rationale for continuing or eliminating each advisory committee or board;
(15) A list of agency programs or functions that are performed without specific statutory authority;
(16) Copies of any program audits, performance audits, and any other reports provided by the state auditor;
(17) A list and summary of all litigation in which the agency is engaged and the status of such cases, including assessments of any financial liability to which they expose the state; and
(18) Other information as requested by the committee or any study committee created under the committee's direction.

(c) Information and data reported by the agency shall be validated by the agency's chief executive before submission to the committee.

50-4-24.

(a) Not later than six months following receipt of the agency's report required by Code Section 50-4-23, the Legislative Sunset Advisory Committee shall complete its review of the agency. When conducting its agency review the committee shall:
(1) Review the information submitted by the agency;
(2) Consult with or hear testimony from any individual, agency, private company, or other expert as needed;
(3) Hold public hearings to consider this information as well as testimony that the committee deems necessary; and
(4) Present to the President of the Senate, the Speaker of the House of Representatives, and the Governor a report on the agencies scheduled to be reviewed that year by the committee. In the report, the committee shall include its specific findings and recommendations regarding each agency review and indicate whether a public need exists for the continuation of a state agency or for the functions of the agency.

(b) The committee shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or agency function:

(1) The efficiency with which the agency operates;
(2) The statutory objectives of the agency and the problem or need that the agency is intended to address, the extent to which the objectives have been achieved, and any activities of the agency in addition to those granted by statute and the authority for these activities;
(3) An assessment of less restrictive or alternative methods of providing any regulatory function for which the agency is responsible while adequately protecting the public;
(4) The extent to which an advisory committee or board is needed or used;
(5) The extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the programs administered by the agency can be consolidated with the programs of other agencies;
(6) Whether the agency has recommended to the legislature statutory changes calculated to be of benefit to the public;
(7) The promptness and effectiveness with which the agency responds to the public's complaints and the extent to which the agency has encouraged participation by the public in making its rules and decisions;
(8) The extent to which the agency has satisfied requirements of state law, safeguarded public health, safety, and welfare, and utilized state resources;
(9) The extent to which the agency accurately reports performance measures used to justify state spending on each of its activities, services, and programs;
(10) The extent to which the agency is reasonably deemed to be a core or essential function of state government under the provisions of the Constitution of Georgia;
(11) The effect of probable federal intervention or loss of federal funds if the agency or an agency function is abolished; and
(12) The extent to which changes are necessary in the enabling statutes of the agency so that the agency can adequately comply with the criteria of this article.

(c) In its report on an agency, the committee shall make recommendations on the abolition, continuation, or reorganization of such agency and on the need for the continuation of the functions of the agency. The report shall also make recommendations on the elimination, privatization, consolidation, transfer, or reorganization of an agency's programs when those programs are duplicated by another agency.

(d) It shall be the responsibility of the committee to prepare drafts of legislation necessary to carry out the committee's recommendations."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Martin of the 47th moved that the House agree to the Senate substitute to HB 456.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
Y Amerson
E Anderson
N Ashe
Y Atwood
Y Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
Y Benton
Y Beverly
Y Black
Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Cooper
Y Crawford
Y Davis
Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
N Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
N Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
N Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Y Hembree
N Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Houston
Y Howard
Y Hudson
N Hugley
Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Jones, S
N Jordan
Y Kaiser
N Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Manning
Y Marin
Y Martin
Y Maxwell
N Mayo
Y McBrayer
Y McCall
Y McKillip
Meadows
Y Mitchell
Y Morgan
Morris
Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
N Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Powell, J
Y Pruett
Y Purcell
Y Ramsey
N Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 144, nays 18.

The motion prevailed.

Representative Braddock of the 19th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representatives Abdul-Salaam of the 74th, Reece of the 11th, and Taylor of the 55th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

HB 797. By Representatives Jones of the 46th, Coleman of the 97th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to charter schools, so as to revise funding for state chartered special schools; to provide for submittal of charter petitions to the Charter Committee of the State Board of Education; to provide for resubmittal of a charter petition to a local board of education upon expiration of the charter term of a state chartered special school; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to repeal an article relating to the Georgia Charter Schools Commission; to provide for legislative findings and intent; to provide for definitions; to provide for the establishment of the State Charter Schools Commission; to provide for its membership, duties, and powers; to provide for requirements for state charter schools; to provide for information to parents; to provide for an annual report; to provide for financial responsibility; to provide for funding for state charter schools; to provide for rules and regulations; to revise provisions relating to funding for state chartered special schools; to provide for related matters; to provide for contingent effectiveness; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by repealing Article 31A of Chapter 2, relating to the Georgia Charter Schools Commission, and enacting a new article to read as follows:

"ARTICLE 31A

20-2-2080.

(a) The General Assembly finds that:

(1) State charter schools can serve as a complement to the educational opportunities provided by local boards of education in the state's system of public education; and
(2) State charter schools do not supplant public schools operated by local boards of education but provide options to enhance public educational opportunities.
(b) It is the intent of the General Assembly that there be established a state-level commission under the authority of the State Board of Education whose primary focus is the development and support of state charter schools in order to better meet the growing and diverse needs of students in this state and to further ensure that state charter schools of the highest academic quality are approved and supported throughout the state in an efficient manner.

20-2-2081.
As used in this article, the term:
(1) 'Attendance zone' means all or a portion of a local school system, one or more local school systems or portions thereof, or all local school systems in this state.
(2) 'Commission' means the State Charter Schools Commission established pursuant to Code Section 20-2-2082.
(3) 'Department' means the state Department of Education.
(4) 'Governing board' means the governing board of the nonprofit organization which is the charter petitioner for a state charter school and which is the same as the governing board of the state charter school which is involved in school-level governance of the state charter school.
(5) 'State charter school' means a school authorized by the commission pursuant to this article whose creation is authorized as a special school pursuant to Article VIII, Section V, Paragraph VII of the Constitution. A state charter school shall be a public school.
The definitions set forth in Code Section 20-2-2062 shall be applicable to this article.

20-2-2082.
(a) The State Charter Schools Commission is established as a state-level authorizing entity working in collaboration with the Department of Education under the authority of the State Board of Education. Start-up funds necessary to establish and operate the commission may be received by the State Board of Education in addition to such other funds as may be appropriated by the General Assembly. The department shall assist in securing federal and other institutional grant funds to establish the commission.
(b) The commission shall be appointed by the State Board of Education and shall be composed of a total of seven members and made up of three appointees recommended by the Governor, two appointees recommended by the President of the Senate, and two appointees recommended by the Speaker of the House of Representatives. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each recommend a list of no fewer than two nominees for each appointment to the commission. The appointments shall be made as soon as feasible but no later than the first regular meeting of the State Board of Education in February, 2013. Each member

shall serve a term of two years; provided, however, that, for the purpose of providing staggered terms, of the initial appointments, three members shall be appointed to one-year terms and four members shall be appointed to two-year terms as determined by the State Board of Education. Thereafter, each appointee shall serve a two-year term unless the State Board of Education, after review and upon recommendation by the initial recommending authority, extends the appointment. If a vacancy occurs on the commission, it shall be filled by the State Board of Education from a recommendation by the appropriate authority according to the procedure set forth in this subsection. The members of the commission shall annually vote to appoint a chairperson and a vice chairperson from among its membership. Each member of the commission shall hold a bachelor's degree or higher, and the commission should include a group of diverse individuals representative of Georgia's school population, to the extent possible, with respect to race, sex, and geography who have experience in finance, administration, law, and education.

(c) The commission is encouraged to convene its first meeting no later than March 1, 2013, and thereafter shall meet at least bimonthly at the call of the chairperson or upon the request of four members of the commission. Four members of the commission shall constitute a quorum.

(d) The commission shall determine the manner in which it reviews state charter school petitions and may, in its discretion, use existing department personnel to conduct such review.

(e) The members of the commission shall not be compensated for their services on the commission but may be reimbursed for per diem and travel expenses in the same manner as provided for in Code Section 45-7-21.

(f) No commission member shall solicit or accept any gift, favor, loan, contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that commission member in the discharge of his or her duties as a commission member.

20-2-2083.

(a) The commission shall have the power to:

(1) Approve or deny petitions for state charter schools and renew, nonrenew, or terminate state charter school petitions in accordance with rules and regulations established pursuant to this article. At its discretion, the commission may preliminarily approve a petition for a state charter school before the petitioner has secured space, equipment, or personnel, if the petitioner indicates such preliminary approval is necessary for it to raise working capital. The State Board of Education shall review and may overrule the approval or renewal of a state charter school by the commission within 60 days of such decision by the commission upon a majority vote of the members of the state board; and

(2) Conduct facility and curriculum reviews of state charter schools.

(b) The commission shall have the following duties:

(1) Review petitions for state charter schools and assist in the establishment of state charter schools throughout this state. The commission shall ensure that all charters for state charter schools are consistent with state education goals;
(2) Develop, promote, and disseminate best practices for state charter schools in order to ensure that high-quality schools are developed and encouraged. At a minimum, the best practices shall encourage the development and replication of academically and financially proven state charter school programs;
(3) Develop, promote, and require high standards of accountability for state charter schools. The commission shall ensure that each state charter school participates in the state's education accountability system. If a state charter school falls short of performance measures included in the approved charter, the commission shall report such shortcomings to the Department of Education;
(4) Monitor and annually review and evaluate the academic and financial performance, including revenues and expenditures, of state charter schools and hold the schools accountable for their performance pursuant to the charter and to the provisions of this article. The commission shall also review the citizenship and immigration status of each individual that works at a state charter school and aggregate the information by school on an annual basis. The commission's duties to monitor the state charter school shall not constitute the basis for a private cause of action;
(5) Direct state charter schools and persons seeking to establish state charter schools to sources of private funding and support;
(6) Actively seek, with the assistance of the department, supplemental revenue from federal grant funds, institutional grant funds, and philanthropic organizations. The commission may receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this article;
(7) Review and recommend to the General Assembly any necessary revisions to statutory requirements regarding standards and accountability for state charter schools;
(8) Act as liaison for state charter schools in cooperating with local boards of education that may choose to allow state charter schools to utilize excess space within school facilities;
(9) Encourage collaboration with municipalities, counties, consolidated governments, universities or colleges of the board of regents, technical institutions of the Technical College System of Georgia, and regional educational service agencies;
(10) Meet the needs of state charter schools and local school systems by uniformly administering high-quality state charter schools, thereby removing administrative burdens from the local school systems;
(11) Assist state charter schools in negotiating and contracting with local boards of education that choose to provide certain administrative or transportation services to the state charter schools on a contractual basis; and
(12) Provide for annual training, as determined by the commission, for members of state charter school governing boards. The training shall include, but not be limited

to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations.

(c)(1) The commission shall establish rules and regulations requiring each state charter school to provide adequate notice of its enrollment procedures, including any provision for the use of a random selection process where all applicants have an equal chance of being admitted in the event that the number of applications to enroll in the school exceeds the capacity of the program, grade, or school.

(2) The commission shall provide adequate notice to local boards of education and to the public regarding meetings to be held by the commission. Such notice shall include the charter petitions to be discussed and acted upon. Such notice shall be provided in accordance with Chapter 14 of Title 50, relating to open and public meetings.

20-2-2084.

(a) Petitions submitted to the commission shall be subject to rules and regulations established pursuant to this article.

(b) The commission shall be authorized to approve a petition for a state charter school that meets the following requirements:

(1) Has a state-wide attendance zone; or

(2)(A) Has a defined attendance zone; and

(B) Demonstrates that it has special characteristics, such as a special population, a special curriculum, or some other feature or features which enhance educational opportunities, which may include the demonstration of a need to enroll students across multiple communities or an alternative delivery system; provided, however, that the petitioner shall demonstrate a reasonable justification for any proposed special curriculum that has a narrow or limited focus.

(c)(1) For petitions for state charter schools with a state-wide attendance zone, the petitioner shall submit such petition to the commission and concurrently to the local board of education in which the school is proposed to be located for information purposes; provided, however, that this shall not apply to a proposed state charter school which will solely provide virtual instruction.

(2) For petitions for state charter schools with a defined attendance zone, the petitioner shall concurrently submit such petition to the commission, to the local board of education in which the school is proposed to be located, and to each local school system from which the proposed school plans to enroll students. The commission shall not act on a petition unless the local board of education in which the school is proposed to be located denies the petition; provided, however, that such local board shall approve or deny the petition no later than 60 days after its submission, as required pursuant to subsection (b) of Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or deny such petition by such local board, in violation of Code Section 20-2-2064, shall be deemed a denial for purposes of this paragraph. A local board that has denied a petition for a state charter

school shall be permitted to present to the commission in writing or in person the reasons for denial and the deficiencies in such petition resulting in such denial.

(3) The commission may take into consideration any support or opposition by the local board of education or local boards of education on the start-up charter school petition when it votes to approve or deny a corresponding state charter school petition.

(d) A state charter school shall:

(1) Seek highly qualified, properly trained teachers and other qualified personnel for such schools; provided, however, that such schools shall give preference to hiring an individual who is a citizen or national of the United States over another individual who is not a citizen or national of the United States if the two individuals are equally qualified, unless a teacher is a foreign exchange teacher; provided, however, that prior to hiring an individual other than a citizen or national of the United States or a protected individual as defined in 8 U.S.C. Section 1324b, the school shall receive approval by the commission and demonstrate that qualified teachers and other personnel were sought but not available in such area which warrants hiring an individual other than a citizen or national of the United States or a protected individual as defined in 8 U.S.C. Section 1324b, unless a teacher is a foreign exchange teacher; provided, further, that the commission and the state charter school shall not construe this paragraph in a manner in violation of 8 U.S.C. Section 1324b or other provisions of law; and

(2) Give preference in contracting and purchasing of services and materials to businesses incorporated under the laws of this state or qualified to do business within this state and having a regularly maintained and established place of business within this state, so long as such businesses are otherwise similarly situated and qualified as compared to a business from out of state.

(e)(1) The members of the governing board for the state charter school shall meet the following qualifications:

(A) Must be a United States citizen;

(B) Must be a resident of Georgia; and

(C) Must not be an employee of the state charter school.

(2) No member of the governing board of the state charter school shall:

(A) Act in his or her official capacity in any matter where he or she, his or her immediate family member, or a business organization in which he or she has an interest has a material financial interest that would reasonably be expected to impair his or her objectivity or independence of judgment;

(B) Solicit or accept or knowingly allow his or her immediate family member or a business organization in which he or she has an interest to solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that board member in the discharge of his or her duties as a board member;

(C) Use, or knowingly allow to be used, his or her position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her position for the purpose of securing financial gain for himself or herself, his or her immediate family member, or any business organization with which he or she is associated; or

(D) Be an officer or serve on the board of directors of any organization that sells goods or services to that state charter school.

As used in this paragraph, the term 'immediate family member' means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.

(f) The members of the governing board of each state charter school shall participate in annual training conducted by the commission pursuant to paragraph (12) of subsection (b) of Code Section 20-2-2083.

(g) An individual that works at a state charter school or an individual that has administrative oversight at a state charter school shall not serve on the board of directors of an organization that sells goods or services to such state charter school.

20-2-2085.

A petition may be submitted pursuant to this Code section by an existing charter school approved by a local board of education or the State Board of Education provided that the obligations of its charter with the local board of education or State Board of Education will expire prior to entering into a new charter with the commission. Upon the existing charter school's request, a local board of education or the State Board of Education in the case of a state chartered special school may agree to rescind or waive the obligations of a current charter to allow a petition to be submitted by an existing charter school pursuant to this Code section. An existing charter school that is established as a state charter school pursuant to this Code section shall be allowed to continue the use of all facilities, equipment, and other assets it used prior to the expiration or rescission of its charter with a local board of education; provided, however, that the local board shall be authorized to charge or continue to charge a reasonable fee for use of the facilities.

20-2-2086.

The commission shall provide maximum access to information regarding state charter schools to all parents in this state. It shall maintain information systems, including, but not limited to, a user-friendly Internet website, that will provide information and data necessary for parents to make informed decisions. At a minimum, the commission shall provide parents with information on its accountability standards, links to state charter schools throughout this state, and public education programs concerning state charter schools.

20-2-2087.
Each year, the chairperson of the commission shall appear before the State Board of Education and submit a report regarding the academic performance and fiscal responsibility of all state charter schools approved under this article.

20-2-2088.
If a charter for a state charter school is not renewed or is terminated, the state charter school shall be responsible for all debts of such school. Neither the state, the State Board of Education, or the commission shall be liable for any debts of the school in the event the charter is not renewed or is terminated. The local school system may not assume the debt from any contract for services made between the governing body of the state charter school and a third party, except for a debt for which the local school system has agreed upon in writing to assume responsibility.

20-2-2089.
(a)(1) The earnings for a student in a state charter school shall be equal to the earnings for any other student with similar student characteristics in a state charter school, regardless of the local school system in which the student resides or the school system in which the state charter school is located, and, except as otherwise provided in paragraph (2) of this subsection, the department shall pay to each state charter school through appropriation of state funds an amount equal to the sum of:
(A)(i) QBE formula earnings and QBE grants earned by the state charter school based on the school's enrollment, school profile, and student characteristics. For purposes of this subparagraph, the term 'QBE formula earnings' means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated in accordance with Code Section 20-2-164. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development, as determined by the department.
(ii) A proportional share of earned state categorical grants, non-QBE state grants, transportation grants, school nutrition grants, and all other state grants, except state equalization grants, as determined by the department;
(B) The average amount of the total revenues less federal revenues less state revenues other than equalization grants per full-time equivalent for the lowest five school systems ranked by assessed valuation per weighted full-time equivalent count, as determined by the department; and
(C) The state-wide average total capital revenue per full-time equivalent, as determined by the department.
(2) In the event that a state charter school offers virtual instruction:

(A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of this subsection shall be equal to two-thirds of such calculated amount; provided, however, that this two-thirds amount may be increased by any amount up to the originally calculated amount in the discretion of the commission if relevant factors warrant such increase; and

(B) The commission may reduce the amount of funds received pursuant to subparagraph (C) of paragraph (1) of this subsection in proportion to the amount of virtual instruction provided and based on factors that affect the cost of providing instruction.

(3) For purposes of this subsection, the terms:

(A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.

(B) 'Assessed valuation per weighted full-time equivalent count' is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest.

(b) The department may withhold up to 3 percent of the amount determined pursuant to subsection (a) of this Code section for each state charter school for use in administering the duties required pursuant to Code Section 20-2-2083; provided, however, that any amount withheld pursuant to this subsection shall be spent solely on expenses incurred by the commission in performing the duties required by this article.

(c) No deduction shall be made to any state funding which a local school system is otherwise authorized to receive pursuant to this chapter as a direct result or consequence of the enrollment in a state charter school of a specific student or students who reside in the geographical area of the local school system.

(d) For purposes of funding students enrolled in a state charter school in the first year of such school's operation or for the first year that an existing state charter school offers a new grade level and prior to the initial student count, the commission shall calculate and the department shall distribute the funding for the state charter school on the basis of its projected enrollment according to an enrollment counting procedure or projection method stipulated in the terms of the charter. No later than July 1 of each year, the commission shall notify the department and the Office of Planning and Budget of the funding estimates calculated pursuant to this subsection for any new state charter schools and for any new grade levels offered by existing state charter schools. After the initial student count during the first year of such state charter school's operation or newly offered grade level and in all years of operation thereafter, each state charter school's student enrollment shall be based on the actual enrollment in the current school year according to the most recent student count. Nothing in this Code section shall be construed to require the department to conduct more than two student counts per year.

(e) Funding for state charter schools pursuant to this Code section shall be subject to appropriations by the General Assembly and such schools shall be treated consistently with all other public schools in this state, pursuant to the respective statutory funding formulas and grants.

20-2-2090.

The commission shall work in collaboration with the department on all matters related to authorizing state charter schools and shall be assigned to the department for administrative purposes only, as prescribed in Code Section 50-4-3. For administrative purposes, including data reporting, student enrollment counting procedures, student achievement reporting, funding allocations, and related purposes as defined by the State Board of Education, each state charter school shall, consistent with department rules and regulations, be treated as a single local education agency.

20-2-2091.

The commission and the State Board of Education, as appropriate, shall adopt rules and regulations necessary to facilitate the implementation of this article. Except as otherwise provided in this article, any rules and regulations adopted by the State Board of Education pursuant to this article, to the extent practicable, shall be established in the same manner and subject to the same requirements as for state chartered special schools under Article 31 of this chapter."

SECTION 2A.

Said title is further amended by revising subsection (d) of Code Section 20-2-2068.1, relating to funding for charter schools, as follows:

"(d)(1) ~~QBE formula earnings, applicable QBE grants, applicable non-QBE state grants, and applicable federal grants that are earned by a state chartered special school shall be distributed to the local board of the local school system in which the state chartered special school is located which shall distribute the same amount to the state chartered special school; provided, however, that a state chartered special school shall not be included in the calculation and distribution of the local school system's equalization grant unless the voters of the local school system have approved the use of revenue from local tax levies and funds from local bonded indebtedness to support the state chartered special school in accordance with subsection (e) of this Code section. If such approval has been given, state equalization grant earnings shall be earned for the state chartered special school and shall be distributed as provided in subsection (f) of this Code section.~~ Effective July 1, 2012, except as otherwise provided in paragraph (2) of this subsection, the department shall pay to each state chartered special school through appropriation of state funds an amount equal to the sum of:

(A)(i) QBE formula earnings and QBE grants earned by the state chartered special school based on the school's enrollment, school profile, and student characteristics. For purposes of this subparagraph, the term 'QBE formula earnings' means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated in accordance with Code Section 20-2-164. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for

psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development, as determined by the department.

(ii) A proportional share of earned state categorical grants, non-QBE state grants, transportation grants, school nutrition grants, and all other state grants, except state equalization grants, as determined by the department;

(B) The average amount of the total revenues less federal revenues less state revenues other than equalization grants per full-time equivalent for the lowest five school systems ranked by assessed valuation per weighted full-time equivalent count, as determined by the department; and

(C) The state-wide average total capital revenue per full-time equivalent, as determined by the department.

(2) In the event that a state chartered special school offers virtual instruction:

(A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of this subsection shall be equal to two-thirds of such calculated amount; provided, however, that this two-thirds amount may be increased by any amount up to the originally calculated amount in the discretion of the department if relevant factors warrant such increase; and

(B) The department may reduce the amount of funds received pursuant to subparagraph (C) of paragraph (1) of this subsection in proportion to the amount of virtual instruction provided and based on factors that affect the cost of providing instruction.

(3) For purposes of this subsection, the terms:

(A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.

(B) 'Assessed valuation per weighted full-time equivalent count' is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest.

(4) The department may withhold up to 3 percent of the amount determined pursuant to paragraphs (1) and (2) of this subsection for each state chartered special school for use in administering the duties required pursuant to this article with respect to state chartered special schools; provided, however, that any amount withheld pursuant to this subsection shall be spent solely on expenses incurred by the department in performing the duties required by this article with respect to state chartered special schools.

(5) No deduction shall be made to any state funding which a local school system is otherwise authorized to receive pursuant to this chapter as a direct result or consequence of the enrollment in a state chartered special school of a specific student or students who reside in the geographical area of the local school system.

(6) Funding for state chartered special schools pursuant to this subsection shall be subject to appropriations by the General Assembly and such schools shall be treated

consistently with all other public schools in this state, pursuant to the respective statutory funding formulas and grants.

(7) The local board shall not be responsible for the fiscal management, accounting, or oversight of the state chartered special school. The state chartered special school shall report enrolled students in a manner consistent with Code Section 20-2-160. Any data required to be reported by the state chartered special school shall be submitted directly by the school to the appropriate state agency. Where feasible, the state board shall treat a state chartered special school no less favorably than other public schools within the state with respect to the provision of funds for transportation and building programs."

SECTION 3.

(a)(1) Section 1 of this Act shall become effective on January 1, 2013, only if a Constitutional amendment expressly authorizing the General Assembly to create state charter schools as special schools is ratified at the November, 2012, general election.

(2) If such an amendment to the Constitution is not so ratified, then Section 1 of this Act shall not become effective and shall stand repealed by operation of law on January 1, 2013.

(b) All other sections of this Act shall become effective on July 1, 2012.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Taylor of the 55th et al. offer the following amendment:

Amend the substitute to HB 797 (HB 797/SCSFA/2) by inserting after "article." *on line 91 the following:*

The commission shall not approve or renew a charter petition for a state charter school which is proposed to be managed by a private for profit management company. In the event that a charter petition for a state charter school proposes to be managed by a private nonprofit management company, the charter petitioner shall make public the amount to be paid to such private nonprofit management company for the operation of such state charter school prior to approval by the commission.

Representative Taylor of the 55th moved that the House agree to the Senate substitute, as amended by the House, to HB 797.

The Speaker ruled the Taylor amendment out of order.

Representative Jones of the 46th moved that the House agree to the Senate substitute to HB 797.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	Y Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	Y Morgan	Y Smith, K
N Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	N Smyre
N Benfield	Y Dunahoo	Y Hudson	N Neal, Y	Y Spencer
N Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Y Ehrhart	N Jackson	Y Nix	Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	N Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	Y Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	N Johnson	Y Parrish	N Taylor, R
N Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	N Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	N Jordan	Powell, A	N Thomas
Y Byrd	N Gardner	Y Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Welch
Y Casas	N Gordon	Kirby	Y Ramsey	Y Weldon
Y Channell	Greene	Y Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 117, nays 55.

The motion prevailed.

Due to a mechanical malfunction, the vote of Representative Stephens of the 164th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 133. By Representatives Black of the 174th, Rogers of the 26th, Rynders of the 152nd, Weldon of the 3rd, Knight of the 126th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, so as to provide for conditions of refunding de minimis overpayments; to provide for waiver of de minimis insufficiencies; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Heath of the 31st, Chance of the 16th, and Rogers of the 21st.

The Senate insists on its substitute to the following bill of the House:

HB 318. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 932. By Representatives Williams of the 4th, Dickson of the 6th and Powell of the 29th:

A BILL to be entitled an Act to amend Code Section 48-8-63 of the Official Code of Georgia Annotated, relating to the definition of "nonresident subcontractor," payment of tax by contractors furnishing tangible personal property and services, liability of seller, withholding of payments due subcontractor, rate, bond, exemption of property unconsumed in use, property deemed consumed, and property of the state or of the United States, so as to change the required percentage of withholding payments due a nonresident subcontractor; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 347. By Representatives Hembree of the 67th, Meadows of the 5th, Lindsey of the 54th, Maxwell of the 17th, Murphy of the 120th and others:

A BILL to be entitled an Act to amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Lindsey of the 54th moved that the following Bill of the House be taken from the table:

HB 1113. By Representatives Henson of the 87th, Mosby of the 90th, Drenner of the 86th, Stephenson of the 92nd, Kendrick of the 94th and others:

A BILL to be entitled an Act to authorize the governing authority of DeKalb County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Lindsey of the 54th moved that the following Bill of the House be withdrawn from the Local Calendar and recommitted to the Committee on Intragovernmental Coordination - Local:

HB 1113. By Representatives Henson of the 87th, Mosby of the 90th, Drenner of the 86th, Stephenson of the 92nd, Kendrick of the 94th and others:

A BILL to be entitled an Act to authorize the governing authority of DeKalb County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 347. By Representatives Hembree of the 67th, Meadows of the 5th, Lindsey of the 54th, Maxwell of the 17th, Murphy of the 120th and others:

A BILL to be entitled an Act to amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Pruett of the 144th moved that the House insist on its position in disagreeing to the Senate substitute to HB 347 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Pruett of the 144th, Hembree of the 67th and England of the 108th.

The Speaker Pro Tem assumed the Chair.

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, MARCH 29, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

SB 114 Distilled Spirits; provide for issuance of a manufacturer's/distiller's license to a fruit grower; certain circumstances (Substitute)(RegI-Powell-29th) Grant-25th

SB 432 Crimes and Offenses; define a certain term; political subdivision shall not enact any ordinance more restrictive of sale/possession of knife than general law (PS&HS-Knight-126th) Heath-31st

SB 470 Patient Self-Referral; revise the definition of "rural area" (Substitute)(H&HS-Kidd-141st) Goggans-7th

SB 492 State Purchasing; require state contracts awards for heavy equipment follow certain specific procedures (Substitute)(Judy-Hembree-67th) Mullis-53rd

SB 533 Floyd County; provide for nonpartisan elections (IGC) Loudermilk-52nd

Structured Rule

SB 350 Crimes and Offenses; disposition of firearms used in burglaries or armed robberies (JudyNC-Setzler-35th) Balfour-9th

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 492. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing through competitive bidding, so as to require that state contract awards for heavy equipment follow certain specific procedures; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 36-91-21 and Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to competitive award requirements and to general authority, duties, and procedure relative to state purchasing, respectively, so as to provide for certain contracting and bidding requirements for governmental entities and the Department of Administrative Services relative to public works construction contracts; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-91-21 of the Official Code of Georgia Annotated, relating to competitive award requirements, is amended by redesignating existing subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting a new subsection (f) to read as follows:

"(f) Unless otherwise required by law, no governmental entity that contracts for public works construction shall in its bid documents, specifications, project agreements, or other controlling documents for a public works construction contract:

(1) Require or prohibit bidders, offerors, contractors, subcontractors, or material suppliers to enter into or adhere to prehire agreements, project labor agreements, collective bargaining agreements, or any other agreement with one or more labor organizations on the same or other related construction projects; or

(2) Discriminate against, or treat differently, bidders, offerors, contractors, subcontractors, or material suppliers for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations on the same or other related construction projects.

Nothing in this subsection shall prohibit bidders, offerors, contractors, subcontractors, or material suppliers from voluntarily entering into agreements described in paragraph (1) of this subsection."

SECTION 2.

Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, is amended by revising subsection (b) of Code Section 50-5-67, relating to state purchasing through competitive bidding, as follows:

"(b)(1) Except as otherwise provided for in this part, all contracts for the purchases of supplies, materials, equipment, or services other than professional and personal employment services made under this part shall, wherever possible, be based upon competitive bids and shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles to be supplied and conformity with the specifications which have been established and prescribed, the purposes for which the articles are required, the discount allowed for prompt payment, the transportation

charges, and the date or dates of delivery specified in the bid and any other cost affecting the total cost of ownership during the life cycle of the supplies, materials, equipment, or services as specified in the solicitation document. Competitive bids on such contracts shall be received in accordance with rules and regulations to be adopted by the commissioner of administrative services~~,~~ which ~~rules and regulations~~ shall prescribe, among other things, the manner, time, and places for proper advertisement for the bids, indicating the time and place when the bids will be received; the article for which the bid shall be submitted and the specification prescribed for the article; the amount or number of the articles desired and for which the bids are to be made; and the amount, if any, of bonds or certified checks to accompany the bids. Any and all bids so received may be rejected.

(2)(A) As used in this paragraph, the term:

(i) 'Commercial use applications' means self-propelled, self-powered, or pull-type equipment and machinery including diesel engines. The term shall not include motor vehicles requiring registration and certificate of title or equipment that is considered consumer goods, as that term is defined in Code Section 11-9-102.

(ii) 'Multiple award schedule contract' means a contract that allows multiple vendors to be awarded a state contract for goods or services by providing catalogues of equipment and attachments to eligible purchasers including state agencies, departments, institutions, public school districts, and political subdivisions. Multiple award schedule contract bids shall be evaluated based upon a variety of factors, including but not limited to discounts, total life costs, service, warranty, machine performance and durability, resale value, product support, and past vendor performance. Multiple award schedule contracts shall allow multiple vendors to bid and be awarded a contract based upon the value of their products and demonstrated results in competitive pricing, product updates, transparency, administrative savings, expedited procurement, and flexibility for state purchasers.

(B) When the commissioner of administrative services determines it to be in the best interest of the state, a multiple award schedule contract may be let for the purchase of equipment used for commercial use applications. All bidders for contracts for the purchase of equipment for commercial use applications shall be required to submit a complete bid package and be the authorized dealer or vendor for a leading manufacturer of equipment used for commercial use applications. Bidders may add additional equipment with a guaranteed minimum discount off the manufacturer's suggested consumer list price in the bid in order to increase the options available to the state.

(C) Nothing in this paragraph shall limit multiple award schedule contracts to commercial use applications."

SECTION 3.

Said part is further amended by revising Code Section 50-5-72, relating to construction and public works contracts conducted by the Department of Administrative Services and exceptions, as follows:

"50-5-72.

(a) Notwithstanding any other provision of this part or any other law dealing with the subject matter contained in this Code section to the contrary, all construction or public works contracts, exceeding a total expenditure of $100,000.00, of any department, board, bureau, commission, office, or agency of the state government, except as provided in this Code section, shall be conducted and negotiated by the Department of Administrative Services in accordance with this part; provided, however, that any expenditure of less than $100,000.00 shall still be subject to review and approval by the Department of Administrative Services, which may approve noncompetitive expenditures of up to $100,000.00.

(b) All advertising costs incurred in connection with such contracts shall be borne by and paid from the funds appropriated to and available to the department, board, bureau, commission, office, or agency of the state government for which the contract is negotiated. (c) Unless otherwise required by law, the Department of Administrative Services shall not in its bid documents, specifications, project agreements, or other controlling documents for a public works construction contract:

(1) Require or prohibit bidders, offerors, contractors, subcontractors, or material suppliers to enter into or adhere to prehire agreements, project labor agreements, collective bargaining agreements, or any other agreement with one or more labor organizations on the same or other related construction projects; or

(2) Discriminate against, or treat differently, bidders, offerors, contractors, subcontractors, or material suppliers for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations on the same or other related construction projects.

Nothing in this subsection shall prohibit bidders, offerors, contractors, subcontractors, or material suppliers from voluntarily entering into agreements described in paragraph (1) of this subsection.

(d) The commissioner of administrative services is authorized and directed to promulgate such rules and regulations as shall carry out the additional duties and responsibilities placed upon the department by this Code section.

(e) Nothing contained in this Code section shall apply to or affect the Department of Transportation, the several public authorities of this state, including the Stone Mountain Memorial Association and the Board of Regents of the University System of Georgia, or the expenditure of money credited to the account of this state in the Unemployment Trust Fund by the secretary of the treasury of the United States pursuant to Section 903 of the Social Security Act and appropriated as provided in Code Section 34-8-85. No contract in existence on March 18, 1964, shall be affected by this Code section, and such contract may continue to be utilized."

SECTION 4.

This Act shall become effective on July 1, 2012, and shall apply to all contracts entered into on or after such date.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Hembree of the 67th offers the following amendment:

Amend the House Committee on Judiciary substitute to SB 492 by replacing lines 1 through 121 with the following:

To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, so as to provide for certain multiple award schedule contracts for the purchase of equipment for commercial use applications; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and procedure relative to state purchasing, is amended by revising subsection (b) of Code Section 50-5-67, relating to state purchasing through competitive bidding, as follows:

"(b)(1) Except as otherwise provided for in this part, all contracts for the purchases of supplies, materials, equipment, or services other than professional and personal employment services made under this part shall, wherever possible, be based upon competitive bids and shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles to be supplied and conformity with the specifications which have been established and prescribed, the purposes for which the articles are required, the discount allowed for prompt payment, the transportation charges, and the date or dates of delivery specified in the bid and any other cost affecting the total cost of ownership during the life cycle of the supplies, materials, equipment, or services as specified in the solicitation document. Competitive bids on such contracts shall be received in accordance with rules and regulations to be adopted by the commissioner of administrative services~~,~~ which ~~rules and regulations~~ shall prescribe, among other things, the manner, time, and places for proper advertisement for the bids, indicating the time and place when the bids will be received; the article for which the bid shall be submitted and the specification prescribed for the article; the amount or number of the articles desired and for which the bids are to be made; and the amount, if any, of bonds or certified checks to accompany the bids. Any and all bids so received may be rejected.

(2)(A) As used in this paragraph, the term:

(i) 'Commercial use applications' means self-propelled, self-powered, or pull-type equipment and machinery including diesel engines. The term shall not include motor vehicles requiring registration and certificate of title or equipment that is considered consumer goods, as that term is defined in Code Section 11-9-102.

(ii) 'Multiple award schedule contract' means a contract that allows multiple vendors to be awarded a state contract for goods or services by providing catalogues of equipment and attachments to eligible purchasers including state agencies, departments, institutions, public school districts, and political subdivisions. Multiple award schedule contract bids shall be evaluated based upon a variety of factors, including but not limited to discounts, total life costs, service, warranty, machine performance and durability, resale value, product support, and past vendor performance. Multiple award schedule contracts shall allow multiple vendors to bid and be awarded a contract based upon the value of their products and demonstrated results in competitive pricing, product updates, transparency, administrative savings, expedited procurement, and flexibility for state purchasers.

(B) When the commissioner of administrative services determines it to be in the best interest of the state, a multiple award schedule contract may be let for the purchase of equipment used for commercial use applications. All bidders for contracts for the purchase of equipment for commercial use applications shall be required to submit a complete bid package and be the authorized dealer or vendor for a leading manufacturer of equipment used for commercial use applications. Bidders may add additional equipment with a guaranteed minimum discount off the manufacturer's suggested consumer list price in the bid in order to increase the options available to the state.

(C) Nothing in this paragraph shall limit multiple award schedule contracts to commercial use applications."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E

Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Neal, J	Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

SB 114. By Senators Grant of the 25th, Staton of the 18th, Hooks of the 14th and Shafer of the 48th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to state license requirements and regulations for manufacture, distribution, and package sales, so as to provide for the issuance of a manufacturer's or distiller's license to a fruit grower for the manufacture of distilled spirits under certain circumstances; to provide for the issuance of a manufacturer's or distiller's license authorizing the manufacture of distilled spirits from agricultural products other than

perishable fruits grown in this state under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to state license requirements and regulations for manufacture, distribution, and package sales, so as to provide for the issuance of a manufacturer's or distiller's license to a fruit grower for the manufacture of distilled spirits under certain circumstances; to provide for the issuance of a manufacturer's or distiller's license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state under certain circumstances; to change certain provisions relating to the sale or disposal of certain distilled spirits or alcohol; to provide for certain educational and promotional tours; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to state license requirements and regulations for manufacture, distribution, and package sales, is amended by revising Code Section 3-4-24, relating to the issuance to fruit growers of license to manufacture distilled spirits, storage and disposition, limitations upon manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or municipalities, as follows:

"3-4-24.

(a) The commissioner may issue a license to a fruit grower authorizing the grower to manufacture distilled spirits from perishable fruits grown in this state.

(b) If any distilled spirits are manufactured as permitted by this Code section in any county, municipality, or county area exclusive of certain incorporated areas, as the case may be, in which the distilled spirits are not to be sold under the terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in a warehouse or warehouses designated by the commissioner to be sold or disposed of under the supervision of the commissioner in states, counties, or municipalities permitting the legal sale of distilled spirits or alcohol.

(c) It is unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

(1) In any municipality, county, or unincorporated area of a county in which the sale of distilled spirits or alcohol is prohibited by this chapter; or

(2) To any person not holding ~~a wholesale or retail~~ an importer's, broker's, or wholesaler's license issued pursuant to this chapter or by another state.

(d) ~~No~~ A manufacturer's or distiller's license ~~shall~~ may be issued pursuant to this Code section to a fruit grower for the manufacture of distilled spirits in any county or municipality of this state that has ~~not~~ approved either the package sale of distilled spirits or the sale of distilled spirits by the drink, or both, as provided in this chapter.

(e) A manufacturer or distiller issued a license pursuant to this Code section may provide educational and promotional tours."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

3-4-24.1.

(a) The commissioner may issue a license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state.

(b) If any distilled spirits are manufactured as permitted by this Code section in any county, municipality, or county area exclusive of certain incorporated areas, as the case may be, in which the distilled spirits are not to be sold under the terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in a warehouse or warehouses designated by the commissioner to be sold or disposed of under the supervision of the commissioner in states, counties, or municipalities permitting the legal sale of distilled spirits or alcohol.

(c) It is unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

(1) In any municipality, county, or unincorporated area of a county in which the sale of distilled spirits or alcohol is prohibited by this chapter; or

(2) To any person not holding an importer's, broker's, or wholesaler's license issued pursuant to this chapter or by another state.

(d) A manufacturer's or distiller's license may be issued pursuant to this Code section for the manufacture of distilled spirits from agricultural products other than perishable fruits in any county or municipality of this state that has approved either the package sale of distilled spirits or the sale of distilled spirits by the drink, or both, as provided in this chapter.

(e) A manufacturer or distiller issued a license pursuant to this Code section may provide educational and promotional tours."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
Y Amerson
E Anderson
Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
N Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Byrd
Y Carson
Y Carter
Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
N Collins
Y Cooke
Coomer
Y Cooper
N Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
N Dunahoo
N Dutton
Y Ehrhart
England
Y Epps, C
Y Epps, J
Y Evans
N Floyd
Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
N Hatfield
Y Heard
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
N Horne
Y Houston
Y Howard
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Jones, J
Y Jones, S
Jordan
Y Kaiser
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y Mayo
N McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Y Morgan
E Morris
Mosby
Y Murphy
N Neal, J
Y Neal, Y
Y Nimmer
N Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Purcell
Y Ramsey
Y Randall
N Reece
Y Rice
Y Riley
N Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
N Teasley
Y Thomas
Y Waites
Y Watson
N Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 147, nays 15.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

SB 533. By Senator Loudermilk of the 52nd:

A BILL to be entitled an Act to provide for nonpartisan judicial elections in Floyd County; to provide that the judge of the Probate Court of Floyd County and the chief magistrate of Floyd County shall be elected in nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
Y Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
Y Benton
N Beverly
Y Black
N Braddock
Y Brockway
N Brooks
N Bruce
Y Bryant
Y Buckner
Y Burns
N Byrd
Y Carson
Y Carter
N Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
N Collins
Y Cooke
Coomer
Y Cooper
Y Crawford
Y Davis
N Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
Y Drenner
Y Dudgeon
N Dukes
N Dunahoo
Y Dutton
Y Ehrhart
Y England
N Epps, C
Y Epps, J
Y Evans
N Floyd
N Fludd
N Frazier
Y Fullerton
N Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
N Harrell
Y Hatchett
N Hatfield
N Heard
N Heckstall
Y Hembree
Y Henson
N Hightower
N Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
N Howard
Y Hudson
N Hugley
Y Jackson
Y Jacobs
E James
N Jasperse
N Jerguson
N Johnson
Jones, J
N Jones, S
Jordan
N Kaiser
N Kendrick
Y Kidd
N Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Maxwell
N Mayo
Y McBrayer
Y McCall
Y McKillip
Meadows
Y Mitchell
N Morgan
E Morris
N Mosby
N Murphy
N Neal, J
N Neal, Y
Y Nimmer
N Nix
Y Oliver
Y O'Neal
N Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
N Pruett
Y Purcell
Y Ramsey
N Randall
Y Reece
Y Rice
Y Riley
Y Roberts
N Rogers, C
Y Rogers, T
Rynders
Y Scott, M
N Scott, S
N Setzler
Y Shaw
Sheldon
Y Sims, B
Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Smith, T
Y Smyre
N Spencer
Y Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
N Teasley
Y Thomas
N Waites
Y Watson
N Welch
Weldon
N Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
N Williams, E
Y Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 106, nays 59.

The Bill, having received the requisite constitutional majority, was passed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 541. By Representatives Epps of the 140th, Benton of the 31st, Baker of the 78th, Allison of the 8th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to provide for the offense of threatening or intimidating a law enforcement officer, public official, or other person relating to such person's involvement in a judicial proceeding; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 905. By Representatives Setzler of the 35th, Golick of the 34th, Cooper of the 41st, Dollar of the 45th, Teasley of the 38th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 432. By Senators Heath of the 31st, Mullis of the 53rd, Loudermilk of the 52nd and Rogers of the 21st:

A BILL to be entitled an Act to amend Part 2 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to possession of dangerous weapons, so as to define a certain term; to provide that a political subdivision shall not enact any ordinance which is more restrictive of the sale or possession of a knife than general law; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
Y Amerson
E Anderson
N Ashe
Y Atwood
Y Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
Y Benton
N Beverly
Y Black
Y Braddock
Y Brockway
N Brooks
N Bruce
Y Bryant
N Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
N Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
Y Crawford
Y Davis
N Dawkins-Haigler
Y Dempsey
N Dickerson
Y Dickey
Y Dickson
Y Dobbs
Dollar
N Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
N Floyd
N Fludd
N Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
N Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
N Heard
N Heckstall
Hembree
N Henson
Y Hightower
Y Hill
N Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
N Howard
Y Hudson
N Hugley
N Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Jones, J
N Jones, S
N Jordan
Y Kaiser
N Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Y Maxwell
N Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
N Mitchell
Y Morgan
E Morris
N Mosby
Y Murphy
Y Neal, J
N Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
N Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Ramsey
N Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
N Smyre
Y Spencer
N Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
N Waites
Y Watson
Y Welch
Weldon
N Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
N Williams, E
Y Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 124, nays 46.

The Bill, having received the requisite constitutional majority, was passed.

Representative Murphy of the 120th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

SB 350. By Senators Balfour of the 9th, Sims of the 12th, Hamrick of the 30th and Hooks of the 14th:

A BILL to be entitled an Act to amend Chapter 16 of Title 16 of the Official Code of Georgia Annotated, relating to forfeiture of property used in

burglary or armed robbery, so as to provide for the disposition of firearms used in burglaries or armed robberies; to amend Article 3 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to disposition of seized property, so as to provide for the disposition of firearms seized in criminal investigations and surplus firearms of law enforcement agencies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representative Jerguson of the 22nd was excused from voting on SB 350.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
Y Amerson
E Anderson
N Ashe
Y Atwood
N Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
Y Benton
N Beverly
Y Black
Y Braddock
Y Brockway
N Brooks
N Bruce
N Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Cooper
Y Crawford
Y Davis
Dawkins-Haigler
Y Dempsey
N Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
N Drenner
Y Dudgeon
N Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
N Epps, C
Y Epps, J
Y Evans
N Floyd
N Fludd
N Frazier
N Fullerton
N Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
N Heard
N Heckstall
Hembree
N Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
N Howard
Y Hudson
N Hugley
N Jackson
Y Jacobs
E James
Y Jasperse
Jerguson
N Johnson
Jones, J
N Jones, S
N Jordan
N Kaiser
N Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Y Maxwell
N Mayo
McBrayer
Y McCall
Y McKillip
Y Meadows
N Mitchell
N Morgan
E Morris
N Mosby
N Murphy
Y Neal, J
N Neal, Y
Y Nimmer
Y Nix
N Oliver
Y O'Neal
Y Pak
N Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
N Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
N Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
Y Teasley
N Thomas
N Waites
Y Watson
Y Welch
Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
N Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 115, nays 54.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Cooper of the 41st and McBrayer of the 153rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 470. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 1B of Title 43 of the Official Code of Georgia Annotated, relating to patient self-referral, so as to revise the definition of "rural area"; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1B of Title 43 of the Official Code of Georgia Annotated, relating to patient self-referral, so as to revise the definition of "rural area"; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1B of Title 43 of the Official Code of Georgia Annotated, relating to patient self-referral, is amended in Code Section 43-1B-3, relating to definitions, by revising paragraph (11) as follows:

"(11) 'Rural area' means: ~~a~~

(A) A county with a population density of no greater than 65 persons per square mile, as defined by the United States decennial census of 1990; or

(B) In a county in which a military junior college is located, an area which is not an urban area, as defined in 42 C.F.R. Section 412.62(f)(1)(ii)."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
Y Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
N Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
Y Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Y Kaiser
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Y Morgan
E Morris
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
E Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker Pro Tem announced the House in recess until 4:30 o'clock, this afternoon.

The Speaker called the House to order.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 516. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend an Act making provisions for the Magistrate Court of Chatham County and abolishing the Magistrate Court of Savannah, approved March 21, 1984 (Ga. L. 1984, p. 4422), as amended, particularly by an Act approved March 19, 1987 (Ga. L. 1987, p. 4222), so as to provide for the collection of additional costs as law library fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

The following Resolutions of the House were read and adopted:

HR 2167. By Representatives Marin of the 96th and Casas of the 103rd:

A RESOLUTION recognizing and commending the Latin American Association; and for other purposes.

HR 2168. By Representative Neal of the 1st:

A RESOLUTION honoring the life and memory of Jordan Douglas Queen; and for other purposes.

HR 2169. By Representative Neal of the 1st:

A RESOLUTION recognizing and commending the Gordon Lee High School wrestling team on winning the 2011-2012 State Championships; and for other purposes.

HR 2170. By Representative Cheokas of the 134th:

A RESOLUTION honoring the life and memory of Mr. Steven Russell Ledbetter; and for other purposes.

HR 2171. By Representatives Clark of the 98th and Sheldon of the 105th:

A RESOLUTION recognizing and commending Captain Harry "Ken" Wilson; and for other purposes.

HR 2172. By Representative Kidd of the 141st:

A RESOLUTION recognizing and commending the Epsilon Nu Chapter of Kappa Alpha Order; and for other purposes.

HR 2173. By Representative Kidd of the 141st:

A RESOLUTION recognizing and commending Water Energy Technologies, Incorporated; and for other purposes.

The following Bill and Resolution of the House were taken up for the purpose of considering the Senate action thereon:

HR 1177. By Representatives Williams of the 113th and Channell of the 116th:

A RESOLUTION recognizing United States military veterans and dedicating a highway in their honor; and for other purposes.

The following Senate substitute was read:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding

accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART II

WHEREAS, Herman E. Black was highly regarded by the citizens of the City of Gray and by local government officials as a person of substance; and

WHEREAS, he was the son of William and Maggie Black, both pillars of the community; and

WHEREAS, he spent 76 years of his life as a citizen of Jones County; and

WHEREAS, he was the father of four children, a husband, and a friend; and

WHEREAS, he gave a lifetime of service and commitment to his community by serving on the Jones County Board of Equalization, was a founding member of the Jones County Men's Club, and was a member of the Optimist Club; and

WHEREAS, it is fitting and proper to dedicate State Route 22 in the City of Gray from the eastern city limit to its intersection with State Route 11 as the Herman E. Black Memorial Highway as an appropriate tribute to this outstanding Georgian.

PART III

WHEREAS, Sgt. Carlton "Dan" Jenkins was shot and killed after making a traffic stop of a robbery suspect on I-95 shortly after midnight on August 28, 2000; and

WHEREAS, Sgt. Jenkins had been with the Camden County Sheriff's Department for 7 years, and had been in law enforcement for 11 years; and

WHEREAS, the Camden County Sheriff's Department named him Officer of the Year in 1999; and

WHEREAS, in August of 2010, the 28th of August was declared to be Sergeant Carlton Daniel Jenkins Day in Camden County; and

WHEREAS, he is survived by his wife and five children; and

WHEREAS, it is only fitting and proper that a permanent memorial to this outstanding officer's life and service be established by dedicating an interchange on I-95 in his honor.

PART IV

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. J. Dixon Hays on November 21, 2010; and

WHEREAS, Mr. Hays was born in Mansfield, Georgia, a beloved son of the late James Dixon and Ruth Ewing Hays; and

WHEREAS, a dairy farmer in Newton County for 50 years, Mr. Hays served on the boards of the Newton County Dairy Association, Newton County Farm Bureau, and Gold Kist Co-op and earned the Atlanta Farmers Club's Distinguished Agri-Business Leader Award in 1982; and

WHEREAS, Mr. Hays was an active community leader, serving on the Newton Medical Center Authority for 32 years, the Snapping Shoals Electric Trust Board for 13 years, and treasurer and board member of the Mansfield Community Center; and

WHEREAS, a man of deep and abiding faith, Mr. Hays was a lifelong member of Luther Hays Presbyterian Church where he served as an elder and treasurer for 26 years; and

WHEREAS, Mr. Hays was united in love and marriage for 59 wonderful years to Marilyn Harris Hays and was blessed with the adoration and support of his children, Melinda and Jim Lord and Julius and Jamie Hays; and

WHEREAS, he was the proud grandfather of Jennifer Lord and Eric Wilson, Mary Beth Lord and Rich Zamor, Rebecca Lord, and Jessie Hays; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Mr. Hays will long be remembered for his love of family and friendship, and this loyal husband, father, grandfather, and friend will be missed by all who had the great fortune of knowing him.

PART V

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of the Honorable Jimmie Hodge Timmons, Jr., on April 5, 2011; and

WHEREAS, Mr. Timmons was born on June 11, 1939, in Edison, Georgia, a beloved son of Lucille Daniels Timmons and Jimmie Hodge "Red" Timmons, Sr.; and

WHEREAS, a graduate of Damascus High School, Mr. Timmons earned an associate's degree from Abraham Baldwin Agricultural College, a bachelor's degree from the University of Georgia, a master's degree from Auburn University, and a specialist's degree from the University of Georgia; and

WHEREAS, Mr. Timmons served as an esteemed member of the Georgia State Senate from 1974 to 1992, adeptly representing the citizens of Senate District 11 and earning the respect and admiration of his colleagues; and

WHEREAS, a distinguished educator for 40 years, Mr. Timmons served as an agriculture teacher at Bainbridge High School, principal of Damascus Elementary School, principal and Title I coordinator in the Calhoun County School System, and superintendent of the Calhoun County School System; and

WHEREAS, he was an active member of Arlington Baptist Church, the Demosthenian Literary Society of the University of Georgia, and the Calhoun Rifles Sons of Confederate Veterans Edison-Calhoun County; and

WHEREAS, Mr. Timmon's leadership and guidance were instrumental during his service as president of the Abraham Baldwin Agricultural College Alumni Association and president and secretary of the Arlington and Edison's Lions Clubs; and

WHEREAS, he was united in love and marriage to "his honey," Lorraine Kavakos Timmons, and was blessed with four remarkable stepchildren, Tommy, Laura, Bill, and Glynda, and two wonderful grandchildren, Will and Marin; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Mr. Timmons will long be remembered for his love of family and friendship, and this loyal brother, husband, stepfather, grandfather, and friend will be missed by all who had the great fortune of knowing him.

PART VI

WHEREAS, Mr. Clarence Williams, Sr., has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the University of Georgia Cooperative Extension; and

WHEREAS, Mr. Williams's significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens of this state have earned him great respect and admiration; and

WHEREAS, a man of deep and abiding faith, Mr. Williams is an active member of St. Peter's AME Church in Midway, Georgia; and

WHEREAS, he has served as an uplifting and inspirational mentor to countless young people and has worked tirelessly throughout his lifetime to improve housing conditions in Liberty County; and

WHEREAS, Mr. Williams is a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized with a lasting tribute.

PART VII

WHEREAS, the State of Georgia lost one if its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Chadwick T. LeCroy on December 27, 2010; and

WHEREAS, Trooper LeCroy joined the Georgia State Patrol in January, 2008, and was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, a member of the Crime Suppression Unit within Georgia State Patrol Troop C, Trooper LeCroy was killed in the line of duty after tracking down a fleeing suspect who he had attempted to stop for a headlight violation in Atlanta; and

WHEREAS, in recognition of the ultimate sacrifice made for the call of duty, Trooper LeCroy was posthumously promoted to the rank of corporal by Commissioner of the Georgia Department of Public Safety Colonel Bill Hitchens; and

WHEREAS, Trooper LeCroy's promotion marks only the second time in the Georgia State Patrol's 74 year history that an officer has received such an honor; and

WHEREAS, he was united in love and marriage to his supportive wife, Keisha Yearwood LeCroy, and was blessed with two remarkable sons, Bret and Deaton; and

WHEREAS, he was the beloved son of Donna and Sam Houston and Bill and Tonya LeCroy, son-in-law of Ken and Vicki Yearwood, and brother of Bill, Jamie, Jack, and Jake; and

WHEREAS, Trooper LeCroy loved sports, hunting, and spending time with his family and friends; and

WHEREAS, he truly loved his career and law enforcement and wore his Georgia State Patrol uniform with pride, exhibiting extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, which were continually recognized by his peers; and

WHEREAS, a compassionate and generous man, Trooper LeCroy will long be remembered for his love of family and friendship, and this loyal husband, father, brother, uncle, and friend will be missed by all who had the great fortune of knowing him.

PART VIII

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Explosive Ordnance Disposal Technician First Class Joseph Adam McSween; and

WHEREAS, Adam McSween was born on August 11, 1980, in Montgomery, Alabama, the beloved son of Robert and Florence McSween; and

WHEREAS, a graduate of Georgia Christian High School in Valdosta, Georgia, and York College in Nebraska, Adam enlisted in the United States Navy in 2001; and

WHEREAS, he completed extensive training in explosive ordnance disposal and earned qualifications as a Naval Parachutist, Scuba Diving Supervisor, and Senior Explosive Ordnance Disposal Technician; and

WHEREAS, he was valiantly serving as a guardian of freedom and liberty in his second tour to Iraq when he was killed on April 6, 2007, near Kirkuk in northern Iraq when a rocket hit his vehicle; and

WHEREAS, during his service to this nation, he was awarded an Army Commendation Medal, Combat Action Ribbon, Navy Good Conduct Medal, Armed Forces Expeditionary Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Expert Marksmanship Rifle Medal, Expert Marksmanship Pistol Medal, two Iraq Campaign Medals, and three Sea Service Deployment Ribbons; and

WHEREAS, Adam leaves behind many who will cherish his memory, including his parents, his wife Erin, his daughters Lilly and Gwyneth, his brothers Kyle and Robert, and his sister Angela; and

WHEREAS, it is only fitting and proper that a lasting memorial to EOD Technician First Class Joseph Adam McSween's life of service to his country be established.

PART IX

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens and most dedicated law enforcement officers with the passing of Patrolman Donald J. Mander; and

WHEREAS, Patrolman Mander served with honor and distinction with the Macon Police Department; and

WHEREAS, he exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, which were continually recognized by his peers; and

WHEREAS, Patrolman Mander was tragically killed in the line of duty on August 23, 1986; and

WHEREAS, a compassionate and generous man, Patrolman Mander will long be remembered for his love of family and friendship, and this dedicated officer and loyal friend will be missed by all who had the great fortune of knowing him; and

WHEREAS, it is only fitting and proper that a lasting memorial to Patrolman Mander's life and service to this state be established.

PART X

WHEREAS, the State of Georgia lost one if its finest citizens and most dedicated law enforcement officers with the passing of Deputy Richard Daniels on June 22, 2010; and

WHEREAS, Deputy Daniels began his career in law enforcement in August, 2006, as a jailer and was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, Deputy Daniels was mandated as a certified deputy for the Twiggs County Sheriff's Office on September 14, 2007, and was killed while on patrol when his vehicle hit a fallen tree covering the highway; and

WHEREAS, he was united in love and marriage to his supportive wife, Carrie, and was blessed with a beautiful daughter, Lena; and

WHEREAS, Deputy Daniels exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, which were continually recognized by his peers; and

WHEREAS, a compassionate and generous man, Deputy Daniels will long be remembered for his love of family and friendship, and this loyal husband, father, and friend will be missed by all who had the great fortune of knowing him.

PART XI

WHEREAS, Mr. Louie Clark was born November 25, 1924, in Mitchell County, Georgia, and has spent his life serving others; and

WHEREAS, Mr. Clark served as a guardian of this nation's freedom and liberty with the United States Navy from 1943 to 1946, was stationed aboard the destroyer USS *Haynsworth*, and survived kamikaze attacks and numerous battles while defending the principles and ideals of America during World War II; and

WHEREAS, after the war, Mr. Clark returned home and attended Florida State College on the GI Bill; and

WHEREAS, Mr. Clark served on the Madison County School Board for several years before being elected to the General Assembly in 1974; and

WHEREAS, he devoted two decades to the public as a member of the Georgia House of Representatives, where he was known for his keen wit, gutsy disposition, and independent spirit about government and public service; and

WHEREAS, a knowledgeable historian, Mr. Clark was awarded the highest award from the United Daughters of the Confederacy; and

WHEREAS, he is united in love and marriage to his adoring wife Ann and has been blessed with four amazing children; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized.

PART XII

WHEREAS, Mr. Bert Ward was born on May 30, 1922, in Catoosa County, Georgia, was educated in the Catoosa County public school system, and graduated from Ringgold High School; and

WHEREAS, Mr. Ward served as a guardian of this nation's freedom and liberty with the United States Navy, valiantly and courageously protecting his fellow Americans during World War II on the USS *Gillis* and the USS *Williamson* in the Pacific; and

WHEREAS, he sustained injuries during his service when his ship was torpedoed by Japanese submarines in the North Pacific; and

WHEREAS, upon returning home after the war, Mr. Ward continued his public service as Catoosa County Tax Commissioner, diligently and conscientiously devoting innumerable hours of his time, talents, and energy toward the betterment of his community and state for 19 years; and

WHEREAS, he was elected to represent Catoosa County as a State Representative in the Georgia General Assembly in 1967 and 1968; and

WHEREAS, Mr. Ward served as a judge in Catoosa County for several years before he was elected to serve on the Board of Commissioners of Catoosa County; and

WHEREAS, as a member of the Board of Commissioners, Mr. Ward was instrumental in establishing procedures, policies, and rules and regulations of the board and helped in the establishment of the county's 911emergency response system and the naming of the Catoosa Parkway; and

WHEREAS, Mr. Ward's significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens of this state earned him the respect and admiration of his colleagues and associates; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments and service of this remarkable and distinguished Georgian be appropriately recognized.

PART XIII

WHEREAS, the Rev. Martin Luther King, Jr., stands as one of the most prominent Georgians of the 20th Century; and

WHEREAS, Rev. King attended public school in Georgia, graduating from high school at the age of 15, and received his bachelor's degree in 1948 from Morehouse College; and

WHEREAS, after three years of theological study at Crozer Theological Seminary in Pennsylvania, where he was elected president of the senior class, he was awarded a divinity degree in 1951, and, with a fellowship won at Crozer, he enrolled in graduate studies at Boston University, completing his residence for the doctorate in 1953 and receiving his doctoral degree in 1955; and

WHEREAS, in 1957, he was elected president of the Southern Christian Leadership Conference, and, in the 11 years between 1957 and 1968, he traveled over 6 million miles and spoke over 2,500 times in support of civil rights and wrote five books as well as numerous articles; and

WHEREAS, he led a massive protest in Birmingham, Alabama, that caught the attention of the entire world, providing what he called a coalition of conscience and inspiring his "Letter from a Birmingham Jail," a manifesto of the Civil Rights Movement in the United States; and

WHEREAS, he also planned and participated in numerous protests and demonstrations for the cause of civil rights including the peaceful march on Washington, D.C., of 250,000 people to whom he delivered his famous "I Have a Dream" address at the Lincoln Memorial; and

WHEREAS, he was awarded five honorary degrees; was named Man of the Year by *Time* magazine in 1963; and, at the age of 35, was the youngest man to have been awarded the Nobel Peace Prize; and

WHEREAS, through his tireless work on behalf of civil rights for all people, he became not only the symbolic leader of African Americans in the United States but also a world figure in the fight for justice for all; and

WHEREAS, it is fitting and proper to dedicate the entire length of Snapfinger Road in DeKalb County from its intersection with Wesley Chapel Road to the Henry County line as the Martin Luther King, Jr., Parkway as an appropriate tribute to this outstanding Georgian.

PART XIV

WHEREAS, Roy Parrish was born in Walker County, Georgia, on November 29, 1933, one of four children born to Roy E. Parrish, Sr., and the former Annie May Autry; the Parrish family and the Autry family were pioneers to Walker County and have made this county their homes since the eighteenth century; and

WHEREAS, Mr. Parrish was educated in the City of Chickamauga School System and graduated from Gordon Lee High School in 1953; he started to work for the Chickamauga Telephone Company while still in high school, and he remained in their employ for 19 years, the last several as general manager; and

WHEREAS, he also served two years on active duty with the United States Army in Korea; and

WHEREAS, he was elected Sole Commissioner of Walker County in the Democratic Primary of 1972 and took office January 1, 1973; he went on to serve six, four-year terms; and

WHEREAS, some of his major accomplishments include building the first sanitary landfill in 1973 and operating it for 23 years; building and paving the county roads; passing the first Local Option Sales Tax Referendum in 1977 that rolled back county property tax and for the first time offered property tax relief to the local community; building the civic center, pavilion, and the 911 Center; building a tunnel from the courthouse to the jail for security; and building and operating an animal shelter, 16 fire stations, and 126 bridges; and

WHEREAS, Mr. Parrish worked with Georgia Department of Transportation and the United States Department of the Interior as well as the National Park Service and Congressman Buddy Darden to get a better corridor through or around the Chickamauga Battlefield and was largely responsible for getting the western route through Walker County established as the relocated Highway 27 around the Chickamauga National Park; and

WHEREAS, he has been married to the former Cora Ann Kell, also a native of Walker County, for more than 50 years, and they have two children, two grandchildren, and two great-grandchildren; they live in the City of Chickamauga where they are active members of the Elizabeth Lee United Methodist Church; and

WHEREAS, he retired, undefeated, from public office in 1996 and now enjoys the freedom of retirement; he and Cora Ann spend time traveling, enjoying their family, gardening, and working in their church where Roy has recruited many of his friends; and

WHEREAS, it is only fitting and proper that a lasting tribute to this life of public service be established.

PART XV

WHEREAS, Dr. Johnny M. Hunt has demonstrated his commitment to teaching the Gospel, witnessing Christ through word and deed, and addressing the physical, psychological, intellectual, and spiritual needs of others; and

WHEREAS, Dr. Hunt was born on July 17, 1952, in Lumberton, North Carolina, and is a graduate of Gardner-Webb College and Southeastern Baptist Theological Seminary; and

WHEREAS, he has served as pastor of Longleaf Baptist Church in Wilmington, North Carolina; Falls Baptist Church in Wake Forest, North Carolina; and Lavonia Baptist Church in Mooresboro, North Carolina; and

WHEREAS, Dr. Hunt was called by the Lord in 1986 to lead the congregation of First Baptist Church of Woodstock as the church's senior pastor; and

WHEREAS, his vision and direction have helped First Baptist Church of Woodstock grow in size and influence, uplifting the community like the light of Bethlehem and serving as a spiritual leader and place for fellowship; and

WHEREAS, Dr. Hunt has served as president of the Southern Baptist Convention and president of the Pastors' Conference of the Southern Baptist Convention; and

WHEREAS, whether the task is preparing a sermon, visiting the sick, counseling the troubled, baptizing a new believer, or acting as a theologian, educator, administrator, or humanitarian, Dr. Hunt serves as a shining example of God's righteous path; and

WHEREAS, the unmatched spiritual assistance offered by Dr. Hunt is a source of strength and direction for persons in all walks of life and from all economic strata; and

WHEREAS, it is abundantly fitting and proper that this enduring example of God's message of peace and love be recognized.

PART XVI

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, Korean War veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they served as guardians of this nation's freedom and liberty and diligently and conscientiously underwent intensive and rigorous training in order to serve their country with honor and distinction during a time of war; and

WHEREAS, it is important that Korean War veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, Korean War veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART XVII

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Lance Corporal William Taylor Richards; and

WHEREAS, Lance Corporal Richards served as a guardian of this nation's freedom and liberty with the United States Marines Corps; and

WHEREAS, he was born on January 31, 1990, in Trenton, Georgia, and graduated from Dade County High School, where he was known as a talented musician; and

WHEREAS, Lance Corporal Richards was stationed in the Helmand province of Afghanistan when he was killed while serving in support of Operation Enduring Freedom; and

WHEREAS, Lance Corporal Williams was awarded a Rifle Expert Medal, an Afghanistan Campaign Medal, a National Defense Service Medal, a Global War Service Medal, a War on Terrorism Medal, and a Purple Heart; and

WHEREAS, he leaves behind many who will cherish his memory, including his wife Emily and his beautiful daughter Kayden Leigh; and

WHEREAS, it is only fitting and proper that a lasting memorial to Lance Corporal Richards' life of service to his country be established.

PART XVIII

WHEREAS, Mr. William G. Long has long been recognized by the citizens of this state for the vital role he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Long diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service to the City of Woodstock as a city council member, a member of the Planning Commission, a city judge, and mayor over the course of 40 years; and

WHEREAS, first elected to serve the public in 1966 as a member of the Woodstock City Council, Mr. Long is one of Woodstock's most distinguished citizens and dedicated servants; and

WHEREAS, Mr. Long's significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens of this state earned him the respect and admiration of his colleagues and associates; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized.

PART XIX

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. Preston B. Lewis, Jr.; and

WHEREAS, a graduate of Waynesboro High School, Mr. Lewis served as a guardian of this nation's freedom and liberty with the United States Army, valiantly and courageously protecting America during the Korean War; and

WHEREAS, he trained at the United States Navy Submarine School, received a Bronze Star, and attained the rank of captain; and

WHEREAS, Mr. Lewis graduated from the University of Georgia with a bachelor's degree in business administration and a law degree before he joined his father's legal practice, Lewis & Lewis, where he practiced law for 30 years; and

WHEREAS, he served as juvenile court judge for more than 30 years and served the people of Georgia as a member of the Georgia House of Representatives for six terms and the Georgia Senate for one term; and

WHEREAS, a community leader, Mr. Lewis was a Rotarian and served as president of the Waynesboro Shrine Club and as a member of the Waynesboro Masonic Lodge, the American Legion, and First United Methodist Church; and

WHEREAS, he left behind many who will cherish his memory, including his wife of 58 years, Katherine Honey Hill; four children, Preston Brooks Lewis III, Clifford Ellis Lewis, Julian Carlton Lewis, and Katherine Virginia Lewis Jones; and 11 grandchildren; and

WHEREAS, it is only fitting and proper that a lasting memorial to Mr. Lewis' life of service to this state be established.

PART XX

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Deputy James D. Paugh on October 23, 2011; and

WHEREAS, Deputy Paugh was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, known by friends and family as "J.D.," Deputy Paugh was a dedicated deputy with the Richmond County Sheriff's Office for 17 years; and

WHEREAS, Deputy Paugh's life was tragically cut short after stopping behind a vehicle on Interstate Route 520 in Augusta-Richmond County when the occupant of the vehicle opened fire upon him; and

WHEREAS, he exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and his efficient and effective commitment to excellence was continually recognized by his peers; and

WHEREAS, a native of Augusta, Georgia, Deputy Paugh was the beloved son of Wayne and Anita Paugh and father of Brandon; and

WHEREAS, Deputy Paugh was a dedicated public servant who will long be remembered for his courage and selflessness, and he will be missed by all who had the great fortune of knowing him.

PART XXI

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. Ossie Davis; and

WHEREAS, Mr. Raiford Chatman Davis, better known as Ossie Davis, was born in Clinch County, Georgia, on December 18, 1917, and graduated from Center High School in 1934; and

WHEREAS, he was a member of the Rose McClendon Players acting group in Harlem before enlisting with the United States Army to serve as a guardian of this nation's freedom and liberty during World War II; and

WHEREAS, during his time in the military, Mr. Davis wrote performances and put on shows for his fellow troops; and

WHEREAS, after the war, Mr. Davis made his Broadway debut in *Jeb* in 1946 and went on to star in such plays as *A Raisin in the Sun*, *Jamaica*, *I'm Not Rappaport*, and *Purlie Victorious*; and

WHEREAS, he appeared in numerous film, television, and radio works, including *The Ossie Davis & Ruby Dee Story Hour*, *The Scalphunters*, *Do the Right Thing*, *Get on the Bus*, *The Stand*, *The Client*, *Roots: The Next Generation*, *Evening Shade*, and *With Ossie & Ruby*; and

WHEREAS, Mr. Davis authored several books for young readers, including *Escape to Freedom: A Play about Young Frederick Douglass*, *Langston*, and *Just Like Martin*; and

WHEREAS, he was well respected among Civil Rights activists for his work as master of ceremonies for the 1963 March on Washington, raising money for Freedom Riders arrested in the South for violating segregation laws, and championing the work of Paul Robeson, W.E.B. DuBois, A. Philip Randolph, Malcolm X, Martin Luther King, Jr., and Frannie Lou Hammer; and

WHEREAS, Mr. Davis was recognized with numerous honors and accolades, including the Screen Actors Guild Life Achievement Award, the NAACP Image Award, the Marian Anderson Award, a Grammy Award for Spoken Word, the National Medal of Art, and the Kennedy Center Honors; and

WHEREAS, it is only fitting and proper that a lasting memorial to Mr. Davis's life of service to this state be established.

PART XXII

WHEREAS, Superior Court Judge Kenneth O. Nix was raised in the Grove Park Commons of Grove Park; and

WHEREAS, he graduated from West Fulton High School, and he has been known as a great athlete over the years; and

WHEREAS, he has resided in Cobb County all of his adult life and served in the Georgia House of Representatives and was later appointed and re-elected to the Cobb County State Court; and

WHEREAS, several years later, Judge Nix was appointed to the Cobb County Superior Court and was re-elected on several occasions until he retired this past year to spend more time with his loving wife and family in Smyrna, Georgia; and

WHEREAS, Judge Nix has served with honor and distinction with the State of Georgia, and his vision and unyielding commitment is appreciated by the citizens of his community and state; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized.

PART XXIII

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA that:

(1) This body hereby joins in honoring military veterans and dedicates State Route 22 in Oglethorpe County from U.S. Route 78/State Route 10 in Lexington to the Madison County line as Veterans Memorial Highway;
(2) The members of this body honor the life and contributions of Herman E. Black and his dedicated service to and sacrifice for his community and this state and that State Route 22 in the City of Gray from the eastern city limit to its intersection with State Route 11 is dedicated as the Herman E. Black Memorial Highway;
(3) The members of this body honor Sgt. Carlton "Dan" Jenkins for his effective, unselfish, and dedicated public service to the State of Georgia, extend to his family their most sincere condolences, and dedicate the interchange at Horsestamp Church Road and I-95 between mile markers 18 and 22 is dedicated as the Sgt. Carlton "Dan" Jenkins Memorial Interchange;
(4) The portion of SR 142 in Newton County between SR 11 and SR 278 is dedicated as the J. Dixon Hays Memorial Highway;
(5) State Route 62 from the county line between Early County and Calhoun County in Arlington to Blakley is designated as the Jimmie Hodge Timmons, Jr., Highway;
(6) The members of this body join to commend Mr. Clarence Williams, Sr., for his efficient, effective, unselfish, and dedicated service to the State of Georgia and dedicate the bridge on U.S. Route 84/State Route 38 over the CSX railroad tracks in Liberty County as the Clarence Williams, Sr., Overpass;
(7) The bridge on State Route 280 over the Chattahoochee River in Cobb/Fulton County is dedicated as the Trooper Chadwick T. LeCroy Memorial Bridge;
(8) This body hereby joins in honoring the life and memory of Explosive Ordinance Disposal Technician First Class Joseph Adam McSween and dedicates the intersection of State Route 7/North Valdosta Road and Veterans Memorial Parkway in Lowndes County as the EOD Technician First Class Joseph Adam McSween Memorial Intersection;
(9) This body hereby joins in honoring the life and memory of Patrolman Donald J. Mander and dedicates the underpass at State Route 19/Forsyth Road and Napier Avenue in the City of Macon as the Patrolman Donald J. Mander Memorial Underpass;
(10) The bridge on State Route 96 over Interstate 16 in Twiggs County is dedicated as the Deputy Richard Daniels Memorial Bridge;
(11) State Route 98 in Madison County from its intersection with U.S. Route 29 in Danielsville to State Route 106 in Ila is dedicated as the Louie Clark Highway;
(12) The bridge on Catoosa Parkway over Tiger Creek in Catoosa County is dedicated as the Bert Ward Memorial Bridge;
(13) The entire length of Snapfinger Road in DeKalb County from its intersection with Wesley Chapel Road to the Henry County line is dedicated as the Martin Luther King, Jr., Parkway;
(14) This body desires to honor Roy Parrish by renaming the portion of US 27/SR 1 from the city limits of Fort Oglethorpe south to Shields Crossing as the Roy Parrish Parkway;

(15) The portion of State Route 92 in Cherokee County from Neese Road to Trickum Road is dedicated as the Johnny Hunt Highway;

(16) This body hereby joins in honoring veterans of the Korean War and dedicates Interstate 59 in Dade County from the Alabama state line to the interchange with I-24 as the Korean War Veterans Memorial Highway;

(17) This body hereby joins in honoring the life and memory of Marine Lance Corporal William Taylor Richards and dedicates the portion of Highway 11 in Dade County from the Alabama state line to the Tennessee state line as the Lance Corporal William Taylor Richards Memorial Highway;

(18) The interchange at Interstate 575 and Ridgewalk Parkway in the City of Woodstock is dedicated as the William G. Long Interchange at Ridgewalk Parkway;

(19) This body hereby joins in honoring the life and memory of Mr. Preston B. Lewis, Jr., and dedicates the portion of U.S. Highway 25N from Waynesboro to Walnut Branch as the Preston B. Lewis, Jr., Memorial Highway;

(20) The portion of Interstate Route 520 in Richmond County from Exit 2 (Wrightsboro Road) to Exit 3 (Gordon Highway) is dedicated as the Deputy James D. Paugh Memorial Highway;

(21) This body hereby joins in honoring the life and memory of Mr. Ossie Davis and dedicates the portion of U.S. Highway 1/State Route 4 Business within the city limits of Waycross in Ware County as the Ossie Davis Parkway;

(22) That the portion of South Cobb Drive beginning at the intersection of South Cobb Drive and Concord Road to the intersection of South Cobb Drive and Cooper Lake Road is dedicated as the Judge Kenneth O. Nix Highway;

(23) The Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution; and

(24) The Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation, the family of Herman E. Black, the family of Sgt. Carlton "Dan" Jenkins, the family of J. Dixon Hays, the family of Jimmie Hodge Timmons, Jr., Clarence Williams, Sr., the family of Trooper Chadwick T. LeCroy, the family of EOD Technician First Class Joseph Adam McSween, the family of Patrolman Donald J. Mander, the family of Deputy Richard Daniels, Mr. Louie Clark, the family of Mr. Bert Ward, the family of Rev. Martin Luther King, Jr., the family of Roy Parrish, Jr., the family of Dr. Johnny M. Hunt, and the family of Marine Lance Corporal William Tyler Richards, the Honorable William G. Long, the family of Mr. Preston B. Lewis, Jr., the family of Deputy James D. Paugh, the family of Mr. Ossie Davis, and the family of Judge Kenneth O. Nix.

Representative Williams of the 113th moved that the House agree to the Senate substitute to HR 1177.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	E Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	E Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	E Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 0.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

HB 729. By Representative Knight of the 126th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms

"Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to provide that certain corporate income tax elections made for federal income tax purposes shall also apply for state income tax purposes; to provide an effective date; to provide applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to clarify certain procedures relating to a receipt for a properly prepared county tax digest; to clarify certain definitions relating to sales and use taxes; to clarify that insulin is exempt from state sales and use tax; to provide a new exemption from sales and use taxes for an instrumentality of the states for a limited period of time; to provide effective dates; to provide applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (14) of Code Section 48-1-2, relating to definitions regarding revenue and taxation, as follows:

"(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years beginning on or after January 1, ~~2010~~ 2011, the provisions of the United States Internal Revenue Code of 1986, as amended, provided for in federal law enacted on or before January 1, ~~2011~~ 2012, except that Section 85(c), Section 108(i), Section 163(e)(5)(F), Section 164(a)(6), Section 164(b)(6), Section 168(b)(3)(I), Section 168(e)(3)(B)(vii), Section 168(e)(3)(E)(ix), Section 168(e)(8), Section 168(k) (but not excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 168(m), Section 168(n), Section 172(b)(1)(H), Section 172(b)(1)(J), Section 172(j), Section 179(f), Section 199, Section 810(b)(4), Section 1400L, Section 1400N(d)(1), Section 1400N(f), Section 1400N(j), Section 1400N(k), and Section 1400N(o) of the Internal Revenue Code of 1986, as amended, shall be treated as if they were not in effect, and except that Section 168(e)(7), Section 172(b)(1)(F), Section 172(i)(1), and Section 1221 of the Internal Revenue Code of 1986, as amended, shall be treated as they were in effect before the 2008 enactment of federal Public Law 110-343, and except that Section 163(i)(1) of the Internal Revenue Code of 1986, as amended, shall be treated as it was in effect before the 2009 enactment of

federal Public Law 111-5, and except that Section 13(e)(4) of 2009 federal Public Law 111-92 shall be treated as if it was not in effect, and except that the limitations provided in Section 179(b)(1) shall be $250,000.00 for tax years beginning in 2010 and shall be $250,000.00 for tax years beginning in 2011, and except that the limitations provided in Section 179(b)(2) shall be $800,000.00 for tax years beginning in 2010 and shall be $800,000.00 for tax years beginning in 2011. In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to January 1, ~~2011~~ 2012, the term means the provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986, as amended. For taxable years beginning on or after January 1, ~~2010~~ 2011, provisions of the Internal Revenue Code of 1986, as amended, which were as of January 1, ~~2011~~ 2012, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes."

SECTION 2.

Said title is further amended by revising Code Section 48-5-345, relating to a receipt for a properly prepared county tax digest, as follows:

"48-5-345.

(a)(1) Upon the determination by the commissioner that a county tax digest is in proper form, that the property therein that is under appeal is within the limits of Code Section 48-5-304, and that the digest is accompanied by all documents, statistics, and certifications required by the commissioner, the commissioner shall issue a receipt for the digest and enter an order authorizing the use of said digest for the collection of taxes.

(2) Nothing in this subsection shall be construed to prevent the superior court from allowing the new digest to be used as the basis for the temporary collection of taxes under Code Section 48-5-310.

(b) Each year the commissioner shall determine if the overall assessment ratio for each county, as computed by the state auditor under paragraph (8) of subsection (b) of Code Section 48-5-274, deviates substantially from the proper assessment ratio as provided in Code Section 48-5-7, and if such deviation exists, the commissioner shall assess against the county governing authority additional state tax in an amount equal to the difference between the amount the state's levy, ~~of one-quarter of a mill~~ as prescribed in Code Section 48-5-8, would have produced if the digest had been at the proper assessment ratio and the amount the digest that is actually used for collection purposes will produce. The commissioner shall notify the county governing authority annually of the amount so assessed and this amount shall be due and payable not later than five days after all appeals have been exhausted or the time for appeal has expired or the final date for payment of taxes in the county, whichever comes latest, and shall bear interest at the rate specified in Code Section 48-2-40 from the due date."

SECTION 3.

Said title is further amended by revising paragraphs (17), (25), and (33) of Code Section 48-8-2, relating to definitions regarding sales and use taxation, as follows:

"(17) 'Lease or rental' means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend. 'Lease or rental' includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Section 7701(h)(1). 'Lease or rental' shall not include:

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of ~~one hundred dollars~~ $100.00 or ~~one~~ 1 percent of the total required payments; or

(C) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect, or install the tangible personal property."

"(25) 'Prepaid wireless calling service' means a 'telecommunications service' that provides the right to utilize 'mobile wireless service' as well as other nontelecommunications services including the download of digital products 'delivered electronically,' content, and 'ancillary services,' which must be paid for in advance that is sold in predetermined units ~~of~~ or dollars of which the number declines with use in a known amount."

"(33)(A) 'Sale' means any transfer of title or possession, transfer of title and possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means of any kind of tangible personal property for a consideration except as otherwise provided in subparagraph (B) of this paragraph and includes, but is not limited to:

(i) The fabrication of tangible personal property for consumers who directly or indirectly furnish the materials used in such fabrication;

(ii) The furnishing, repairing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, repairing, or serving the tangible personal property; or

(iii) A transaction by which the possession of property is transferred but the seller retains title as security for the payment of the price.

(B) Notwithstanding a dealer's physical presence, in the case of a motor vehicle retail sale, ~~or a motor vehicle lease or rental when the lease or rental period exceeds 30 days and when the purchaser or lessee is a resident of this state,~~ excluding lease

or rental, the taxable situs of the transaction for the purposes of collecting local sales and use taxes shall be the county of motor vehicle registration of the purchaser ~~or lessee~~."

SECTION 4.

Said title is further amended by revising division (47)(A)(I), deleting the "or" at the end of paragraph (90), deleting the period at the end of paragraph (91) and inserting "; or", and adding a new paragraph in Code Section 48-8-3, relating to exemptions from sales and use taxation, as follows:

"(47)(A)(i) The sale or use of drugs which are lawfully dispensable only by prescription for the treatment of natural persons, the sale or use of insulin regardless of whether the insulin is dispensable only by prescription, and the sale or use of prescription eyeglasses and contact lenses including, without limitation, prescription contact lenses distributed by the manufacturer to licensed dispensers as free samples not intended for resale and labeled as such; and"

"(92) For the period commencing July 1, 2012, and ending on December 31, 2013, sales to an organization defined by the Internal Revenue Service as an instrumentality of the states relating to the holding of an annual meeting in this state."

SECTION 5.

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 1 of this Act shall be applicable to all taxable years beginning on or after January 1, 2011.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

Representative Knight of the 126th moved that the House agree to the Senate substitute to HB 729.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	E Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	E Smith, R
Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M

Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Kirby	E Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 157, nays 1.

The motion prevailed.

Representatives Carson of the 43rd and Long of the 61st stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 872. By Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage

certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Murphy of the 27th, McKoon of the 29th, and Unterman of the 45th.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 811. By Representatives Powell of the 171st, Meadows of the 5th, England of the 108th, Hamilton of the 23rd, Nix of the 69th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to management of budgetary and financial affairs, so as to provide for automatic fee adjustments in cases where funds are not appropriated in certain amounts for specified purposes when certain fees are imposed for such purposes; to provide for definitions, procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hill of the 4th, Goggans of the 7th, and Bulloch of the 11th.

The Senate insists on its amendment to the following bill of the House:

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1208. By Representatives Ehrhart of the 36th, Dollar of the 45th, Carson of the 43rd, Parsons of the 42nd, Golick of the 34th and others:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3728), so as to change the description of the education districts of such board; to provide for definitions and inclusions; to provide for qualifications, compensation, and chairpersons and vice chairpersons; to provide for elections; to provide for terms; to provide for submissions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 766. By Representatives Benton of the 31st, England of the 108th, Burns of the 157th, Meadows of the 5th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Division of Archives and History, so as to revise the provisions of law regarding Foundations of American Law and Government displays; to extend the locations in which such displays may appear; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain

percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Senate has adopted by substitute, by the requisite constitutional majority, the following resolution of the House:

HR 1151. By Representatives Brockway of the 101st, Lindsey of the 54th, Sheldon of the 105th, Teasley of the 38th, Allison of the 8th and others:

A RESOLUTION creating the Joint Human Trafficking Study Commission; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 181. By Representatives Golick of the 34th, Coleman of the 97th, Casas of the 103rd, Lindsey of the 54th, Nix of the 69th and others:

A BILL to be entitled an Act to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for the waiver of one of the scholarship requirements under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for additional notification of the program; to provide for the waiver of one of the scholarship requirements under certain conditions; to revise certain provisions relating to the amount of the scholarship; to provide for application deadlines; to provide deadlines for scholarship payments to parents; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, is amended in Code Section 20-2-

2113, relating to annual notification of options available to parents of special needs children, by revising subsection (a) as follows:

"(a) The resident school system shall annually notify prior to the beginning of each school year the parent of a student with a disability by letter, by electronic means, or by ~~such~~ other reasonable means in a timely manner of the options available to the parent under this article, which shall be in the following form:

'Your child may be eligible for a Georgia Special Needs Scholarship to attend a private school or another public school if your child has an Individualized Education Program (IEP). Information may be found at www.specialedoptions.com relating to eligibility requirements.'

In addition, the resident school system shall ensure that the parent of a student with a disability is provided such notice at each Individualized Education Program (IEP) meeting."

SECTION 2.

Said article is further amended by revising subsection (a) of Code Section 20-2-2114, relating to qualifications for the scholarship, as follows:

"(a) A student shall qualify for a scholarship under this article if:

(1) The student's parent currently resides within Georgia and has been a Georgia resident for at least one year;

(2) The student has one or more of the following disabilities:

(A) Autism;
(B) Deaf/blind;
(C) Deaf/hard of hearing;
(D) Emotional and behavioral disorder;
(E) Intellectual disability;
(F) Orthopedic impairment;
(G) Other health impairment;
(H) Specific learning disability;
(I) Speech-language impairment;
(J) Traumatic brain injury; or
(K) Visual impairment;

(3) The student has spent the prior school year in attendance at a Georgia public school and ~~shall have had an~~ has a current Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations, regardless of when such Individualized Education Program was put in place; provided, however, that the State Board of Education shall be authorized to require a local board of education to expedite the development of an Individualized Education Program and to waive the prior school year requirement contained in this paragraph, in its sole discretion, on a case-by-case basis for specific medical needs of the student upon the request of a parent or guardian in accordance with state board procedures. If an expedited Individualized Education Program is required by the state board pursuant to this paragraph, the state board may additionally require such expedited

process to be completed prior to the beginning of the school year. The State Board of Education shall provide an annual report by December 31 of each year through December 31, 2015, regarding the number of waivers approved pursuant to this paragraph to the General Assembly;

(4) The parent obtains acceptance for admission of the student to a participating school; and

(5) The parent submits an application for a scholarship to the department no later than the deadline established by the department; provided, however, that the department shall provide application deadline opportunities on September 15, December 15, and February 15 of each school year for a student to transfer."

SECTION 3.

Said article is further amended by revising subsections (a), (d), and (e) of Code Section 20-2-2116, relating to the amount of the scholarship and methods of payment, as follows:

"(a) The maximum scholarship granted a scholarship student pursuant to this article shall be an amount equivalent to the costs of the educational program that would have been provided for the student in the resident school system. This amount shall be as calculated under Code Section 20-2-161 and reduced by the local five mill share amount required pursuant to Code Section 20-2-164, austerity reductions, and any other state mandated reductions that occur midyear or otherwise, as applicable. This shall not include any federal funds."

"(d) Each local school system shall submit quarterly reports to the department on dates established by the department stating the number of scholarship students in the resident school system. Following each notification, the department shall transfer from the state allotment to each school system the amount calculated under ~~Code Section 20-2-161~~ subsection (b) of this Code section to a separate account for the scholarship program for quarterly disbursement to the parents of scholarship students. When a student enters the program, the department must receive all documentation required for the student's participation, including the participating school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student. The department may not make any retroactive payments.

(e) Upon proper documentation received by the department, the department shall make quarterly scholarship payments to the parents of scholarship students ~~on dates established by the department~~ on or before November 1, January 7, April 1, and May 1 for quarterly periods corresponding, respectively, to August 1 through September 30, October 1 through November 30, December 1 through the last day of February, and March 1 through May 31 during each academic year in which the scholarship is in force. As nearly as practical, such quarterly payments shall be equal; provided, however, that this shall not prevent payments from being adjusted due to budgetary midterm adjustments made pursuant to Code Section 20-2-162. The state auditor shall cite as an audit exception any failure by the department to meet any payment deadlines and shall include such audit exceptions on the website established pursuant to Code Section 50-6-32. The initial payment shall be made upon evidence of admission to the

participating school, and subsequent payments shall be made on evidence of continued enrollment and attendance at the participating school."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Representative Golick of the 34th moved that the House agree to the Senate substitute to HB 181.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	E Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	E Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	N Neal, Y	N Spencer
Y Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	N Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
N Bruce	N Floyd	Y Johnson	Y Parrish	N Taylor, R
N Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	N Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	N Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	N Marin	Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 115, nays 51.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 237. By Representatives Golick of the 34th, Morris of the 155th, Hatfield of the 177th, Ramsey of the 72nd and Setzler of the 35th:

A BILL to be entitled an Act to amend Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, so as revise the definition of "mortgage lending process"; to provide for investigative and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, so as revise the definition of "mortgage lending process"; to change provisions relating to the offense of mortgage fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, is amended by revising paragraph (1) of Code Section 16-8-101, relating to definitions, as follows:

"(1) 'Mortgage lending process' means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Such term shall also include the execution of deeds under power of sale that are required to be recorded pursuant to Code Section 44-14-160 and the execution of assignments that are required to be recorded pursuant to subsection (b) of Code Section 44-14-162. Documents involved in the mortgage lending process include, but ~~are~~ shall not be limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any required disclosures."

SECTION 2.

Said article is further amended by revising the undesignated paragraph at the end of Code Section 16-8-102, relating to the offense of residential mortgage fraud, as follows:

"An offense of residential mortgage fraud shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, and interpretations related to the mortgage lending process nor upon truthful information contained in documents filed with the official registrar of deeds of any county of this state for the stated purpose of correcting scrivener's errors, mistakes, inadvertent misstatements, or omissions contained in previously filed documents."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Golick of the 34th moved that the House agree to the Senate substitute to HB 237.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	E Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	N Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E

Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Scott, M	Y Yates
N Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 162, nays 3.

The motion prevailed.

Representative Smith of the 131st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 713. By Representatives Nix of the 69th, Davis of the 109th, Carter of the 175th, Coleman of the 97th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to delay implementation of some career and college readiness initiatives until the 2013-2014 school year; to require career education in grades kindergarten through 12; to change the mandated assessment for postsecondary readiness to the end of the eleventh grade; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to delay implementation of some career and college readiness initiatives until the 2013-2014 school year; to require career education in grades kindergarten through 12; to change the assessment for postsecondary readiness to the end of the eleventh grade; to mandate transitional courses; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," is amended by revising subsection (c) of Code

Section 20-2-140, relating to the establishment of competencies and a uniformly sequenced core curriculum, as follows:

"(c) The State Board of the Technical College System of Georgia shall require its institutions to accept core curriculum coursework completed by high school students for purposes of admission into its institutions. This Code section shall apply beginning with students entering such postsecondary institutions in the fall of ~~2012~~ 2013."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"20-2-145.1.

The State Board of Education shall prescribe a minimum course of study in career education for students in grades kindergarten through 12. Such minimum course of study shall be age appropriate and shall include, but not be limited to, career awareness, career exploration, and career oriented learning experiences."

SECTION 3.

Said article is further amended by revising Code Section 20-2-159.1, relating to focused programs of study, as follows:

"20-2-159.1.

No later than July 1, ~~2012~~ 2013, the Department of Education shall develop, and the State Board of Education shall approve, state models and curriculum framework for the following focused programs of study, as defined in Code Section 20-2-326, including, but not limited to:

(1) Agriculture, food, and natural resources;
(2) Architecture and construction;
(3) Arts, audio-video technology, and communications;
(4) Business, management, and administration;
(5) Education and training;
(6) Finance;
(7) Health science;
(8) Hospitality and tourism;
(9) Human services;
(10) Information technology;
(11) Law, public safety, and security;
(12) Manufacturing;
(13) Government and public administration;
(14) Marketing, sales, and service;
(15) Science, technology, engineering, and mathematics; and
(16) Transportation, distribution, and logistics.

Such focused programs of study may be combined around these and other related clusters."

SECTION 4.

Said article is further amended by revising Code Section 20-2-159.2, relating to coordination between high schools and postsecondary institutions to minimize the need for remedial course work for students in postsecondary institutions, as follows:

"20-2-159.2.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging postsecondary endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher education for students, families, and the state. To this end, the State Board of Education, the Board of Regents of the University System of Georgia, and the State Board of the Technical College System of Georgia shall:

(1) Develop policies to ensure that students who complete the core curriculum established pursuant to Code Section 20-2-140 will meet the requirements for purposes of admission into a postsecondary institution, such as grade point average and readiness levels in reading, writing, and mathematics, without having to take remedial coursework. Such policies shall:

(A) Establish the benchmarks for college readiness and the method in which students can demonstrate readiness in reading, writing, and mathematics for postsecondary coursework upon completing the core curriculum; and

(B) Set the conditions for ensuring college readiness;

(2) Define college-readiness standards in reading, writing, and mathematics needed for success in advanced training, certificate programs, and programs leading to an associate's or bachelor's degree;

(3) Identify one or more state-wide common assessments to determine postsecondary readiness in reading, writing, and mathematics and inform students of their performance on such assessments no later than the end of tenth grade;

(4) Develop transitional courses in reading, writing, and mathematics, with common standards, syllabus, and instruction materials for eleventh and twelfth grade students who fail to meet readiness standards, which courses shall be required by the state board to be offered by all local boards of education and which all students who are identified pursuant to paragraph (3) of this subsection as failing to meet readiness standards shall be required to take; ~~and~~

(5) Establish a state-wide process for determining how successful completion of transitional courses will guarantee that students will meet readiness standards; and

~~(5)~~(6) Ensure dual credit courses reflect postsecondary coursework."

SECTION 5.

Said article is further amended by revising subsection (a) of Code Section 20-2-159.4, relating to policies and guidelines for awarding units of high school credit based on demonstrated proficiency, as follows:

"(a) The State Board of Education, in consultation with the Board of Regents of the University System of Georgia and the State Board of the Technical College System of Georgia, shall adopt policies and establish guidelines for awarding units of high school

credit to students based on a demonstration of subject area competency, instead of or in combination with completion of courses of classroom instruction. Such policies and guidelines shall clearly delineate the manner in which students can earn credit, how mastery of standards will be assessed, how locally developed assessments will be reviewed and approved, how such credit will be recorded on high school transcripts, and when outcomes as a result of these policies and guidelines will be reviewed. The state board shall adopt such policies and establish guidelines, and such policies and guidelines shall be applicable beginning with the ~~2012-2013~~ 2013-2014 school year."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

Representative Nix of the 69th moved that the House agree to the Senate substitute to HB 713.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Jones, S
Y Jordan
Y Kaiser
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Mayo
Y McBrayer
McCall
Y McKillip
Y Meadows
Y Mitchell
Y Morgan
E Morris
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
O'Neal
Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
E Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williams, R
Y Williamson

Y Cooper	N Hatfield	Y Martin	Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 163, nays 1.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker called the House to order for the purpose of receiving the Governor of Georgia, the Honorable Nathan Deal.

His Excellency, Governor Nathan Deal, appeared upon the floor of the House and addressed the members.

The Speaker called the House to order.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has adopted by substitute, by the requisite constitutional majority, the following resolution of the House:

HR 1150. By Representatives Coleman of the 97th, England of the 108th, Dickson of the 6th, Kaiser of the 59th, Abrams of the 84th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 1071. By Representative Houston of the 170th:

A BILL to be entitled an Act to amend Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, so as to

change certain provisions relating to the excise tax on certain tobacco products; to provide for a definition; to establish the rate of tax on certain tobacco products; to establish the retail selling price before the addition of certain taxes; to provide for annual renewal of tobacco dealer license; to provide for exemptions from certain taxes; to authorize the collection and payment on the first taxable transaction; to change certain provisions regarding civil and criminal penalties; to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions relative to administrative procedure, so as to revise a definition to include hearings related to tobacco within its meaning; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, so as to change certain provisions relating to the excise tax on certain tobacco products; to provide for a definition; to establish the rate of tax on certain tobacco products; to establish the retail selling price before the addition of certain taxes; to provide for annual renewal of tobacco dealer license; to provide for exemptions from certain taxes; to authorize the collection and payment on the first taxable transaction; to change certain provisions regarding civil and criminal penalties; to amend Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions relative to administrative procedure, so as to revise a definition to include hearings related to tobacco within its meaning; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, is amended by revising Code Section 48-11-1, relating to definitions relative to taxes on tobacco products, as follows:

"48-11-1.

As used in this chapter, the term:

(1) 'Cigar' means any roll for smoking made wholly or in part of tobacco when the cover of the roll is also tobacco. <u>Such term shall include a little cigar.</u>

(2) 'Cigar dealer' means any person located within the borders of this state who sells or distributes cigars to a consumer in this state.

(3) 'Cigar distributor' means any person, whether located within or outside the borders of this state, other than a cigar dealer, who sells or distributes cigars within or into the boundaries of this state and who:

(A) Maintains a warehouse, warehouse personnel, and salespersons who regularly contact and call on cigar dealers; and

(B) Is engaged in the business of:

(i) Importing cigars into this state or purchasing cigars from other cigar manufacturers or cigar distributors; and

(ii) Selling the cigars to cigar dealers in this state for resale but is not in the business of selling the cigars directly to the ultimate consumer of the cigars.

(4) 'Cigar importer' means any person who imports into or who brokers within the United States, either directly or indirectly, a finished cigar for sale or distribution.

(5) 'Cigar manufacturer' means any person who manufactures, fabricates, assembles, processes, or labels a finished cigar.

(6) 'Cigarette' means any roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco.

(7) 'Cigarette dealer' means any person located within the borders of this state who sells or distributes cigarettes to a consumer in this state.

(8) 'Cigarette distributor' means any person, whether located within or outside the borders of this state, other than a cigarette dealer, who sells or distributes cigarettes within or into the boundaries of this state and who:

(A) Maintains a warehouse, warehouse personnel, and salespersons who regularly contact and call on cigarette dealers; and

(B) Is engaged in the business of:

(i) Importing cigarettes into this state or purchasing cigarettes from other cigarette manufacturers or cigarette distributors; and

(ii) Selling the cigarettes to cigarette dealers in this state for resale but is not in the business of selling the cigarettes directly to the ultimate consumer of the cigarettes.

Such term shall not include any cigarette manufacturer, export warehouse proprietor, or cigarette importer with a valid permit under 26 U.S.C. Section 5712, if such person sells or distributes cigarettes in this state only to cigarette distributors who hold valid and current licenses under Code Section 48-11-4 or to an export warehouse proprietor or another cigarette manufacturer with a valid permit under 26 U.S.C. Section 5712.

(9) 'Cigarette importer' means any person who imports into or who brokers within the United States, either directly or indirectly, a finished cigarette for sale or distribution.

(10) 'Cigarette manufacturer' means any person who manufactures, fabricates, assembles, processes, or labels a finished cigarette.

(11) 'Counterfeit cigarette' means cigarettes that are manufactured, fabricated, assembled, processed, packaged, or labeled by any person other than the trademark owner of a cigarette brand or the owner's designated agent.

(12) 'Dealer' means any person who is a cigar dealer, a cigarette dealer, or a loose or smokeless tobacco dealer.

(13) 'Distributor' means any person who is a cigar distributor, a cigarette distributor, or a loose or smokeless tobacco distributor.

(14) 'First ~~taxable~~ transaction' means the first sale, receipt, purchase, possession, consumption, handling, distribution, or use of cigars, cigarettes, or loose or smokeless tobacco within this state.

(15) 'Little cigar' means any cigar weighing not more than three pounds per thousand.

~~(15)~~(16) 'Loose or smokeless tobacco' means granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but does not include cigarettes or cigars or tobacco purchased for the manufacture of cigarettes or cigars by cigarette manufacturers or cigar manufacturers.

~~(16)~~(17) 'Loose or smokeless tobacco dealer' means any person located within the borders of this state who sells or distributes loose or smokeless tobacco to a consumer in this state.

~~(17)~~(18) 'Loose or smokeless tobacco distributor' means any person who:

(A) Maintains a warehouse, warehouse personnel, and salespersons who regularly contact and call on loose or smokeless tobacco dealers; and

(B) Is engaged in the business of:

(i) Importing loose or smokeless tobacco into this state or purchasing loose or smokeless tobacco from other loose or smokeless tobacco manufacturers or loose or smokeless tobacco distributors; and

(ii) Selling the loose or smokeless tobacco to loose or smokeless tobacco dealers in this state for resale but is not in the business of selling the loose or smokeless tobacco directly to the ultimate consumer of the loose or smokeless tobacco.

~~(18)~~(19) 'Loose or smokeless tobacco importer' means any person who imports into or who brokers within the United States, either directly or indirectly, finished loose or smokeless tobacco for sale or distribution.

~~(19)~~(20) 'Loose or smokeless tobacco manufacturer' means any person who manufactures, fabricates, assembles, processes, or labels finished loose or smokeless tobacco.

~~(20)~~(21) 'Related machinery' means any item, device, conveyance, or vessel of any kind or character used in manufacturing, packaging, labeling, stamping, transporting, distributing, selling, or possessing counterfeit cigarettes.

~~(21)~~(22) 'Sale' means any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution in any manner or by any means whatever.

~~(22)~~(23) 'Stamp' means any impression, device, stamp, label, or print manufactured, printed, made, or affixed as prescribed by the commissioner.

~~(23)~~(24) 'Vending machine' means any coin-in-the-slot device used for the automatic merchandising of cigars, cigarettes, or loose or smokeless tobacco."

SECTION 2.

Said chapter is further amended by revising Code Section 48-11-2, relating to excise taxes, rate on tobacco products, the retail selling price before the addition of tax, exemptions, collection and payment on the first taxable transaction, distributors, taxes separately identified, and collection, as follows:

"48-11-2.

(a) An excise tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution, or use of cigars, cigarettes, and loose or smokeless tobacco in this state at the following rates:

(1) Little cigars ~~weighing not more than three pounds per thousand~~: two and one-half mills each;

(2) All ~~other~~ cigars other than little cigars: 23 percent of the wholesale cost price, exclusive of any trade, cash, or other discounts or any promotion, advertising, display, or similar allowances;

(3) Cigarettes: 37¢ per pack of 20 cigarettes and a like rate, pro rata, for other size packages; and

(4) Loose or smokeless tobacco: 10 percent of the wholesale cost price, exclusive of any trade, cash, or other discounts or any promotion, advertising, display, or similar allowances.

(b) When the retail selling price is referred to in this chapter as the basis for computing the tax, it is intended to mean the ordinary retail selling price of the article to the consumer before adding the amount of the tax.

(c) The taxes imposed by this chapter are levied ~~with respect to~~ on the purchase or use of cigars, cigarettes, or loose or smokeless tobacco by the state or any department, institution, or agency of the state and by the political subdivisions of the state and their departments, institutions, and agencies. The taxes imposed by this chapter are not imposed ~~with respect to~~ on cigars, cigarettes, or loose or smokeless tobacco purchased exclusively for use by the patients at the Georgia War Veterans Home and the Georgia War Veterans Nursing Home.

(d) The taxes imposed by this chapter are not levied ~~with respect to~~ on cigars, cigarettes, or loose or smokeless tobacco the purchase or use of which this state is prohibited from taxing under the Constitution or statutes of the United States.

(e) The taxes imposed by this chapter shall be advanced and paid by the ~~distributor~~ dealer or distributor licensed pursuant to this chapter to the commissioner for deposit and distribution as provided in this chapter upon the first ~~taxable~~ transaction within ~~the~~ this state, whether or not the transaction involves the ultimate purchaser or consumer. The ~~seller~~ licensed dealer or distributor shall collect the tax on the first transaction within this state from the purchaser or consumer, and the purchaser or consumer shall pay the tax to the ~~seller~~ dealer or distributor. The ~~seller~~ dealer or distributor shall be responsible for the collection of the tax and the payment of the tax to the commissioner. Whenever cigars, cigarettes, or loose or smokeless tobacco is shipped from outside ~~the~~ this state to anyone other than a distributor, the person receiving the cigars, cigarettes,

or loose or smokeless tobacco shall be deemed to be a distributor and shall be responsible for the tax on the cigars, cigarettes, or loose or smokeless tobacco and the payment of the tax to the commissioner. No tobacco products shall be received in, sold in, or shipped into this state unless lawfully obtained from a person licensed pursuant to this chapter or from an importer with a valid permit issued pursuant to 26 U.S.C. Section 5712.

(f) The amount of taxes advanced and paid to the state as provided in this Code section shall be added to and collected as a part of the sales price of the cigars, cigarettes, or loose or smokeless tobacco sold or distributed. The amount of the tax shall be stated separately from the price of the cigars, cigarettes, or loose or smokeless tobacco.

(g) The cigars, cigarettes, and loose or smokeless tobacco tax imposed shall be collected only once upon the same ~~cigarettes,~~ cigars, ~~little cigars,~~ cigarettes, or loose or smokeless tobacco."

SECTION 3.

Said chapter is further amended by revising Code Section 48-11-4, relating to the licensing of persons engaged in tobacco business, initial and annual fees, suspension and revocation of licenses, the registration and inspection of vending machines, bond, jurisdiction, and licensing of promotional activities, as follows:

"48-11-4.

(a) No person shall engage in or conduct the business of manufacturing, importing, brokering, purchasing, selling, consigning, vending, dealing in, shipping, receiving, or distributing cigars, cigarettes, or loose or smokeless tobacco in this state without first obtaining a license from the commissioner.

(b) All licenses shall be issued by the commissioner, who shall make rules and regulations with respect to applications for and issuance of the licenses and for other purposes of enforcing this chapter. The commissioner may refuse to issue any license under this chapter when the commissioner has reasonable cause to believe that the applicant has willfully withheld information requested of the applicant or required by the regulations to be provided or reported or when the commissioner has reasonable cause to believe that the information submitted in any application or report is false or misleading and is not given in good faith.

(c) The annual renewal fee for a manufacturer's, importer's, or distributor's or dealer's license shall be ~~$50.00~~ $10.00. ~~annually, except that~~ There shall also be a first year registration fee of $250.00 for a person commencing business as a manufacturer, importer, or distributor ~~for the first time the first year's fee shall be $250.00~~. All renewal applications shall be filed at least 30 days in advance of the expiration date shown on the license. ~~Each dealer shall have a permanent license issued by the commissioner free of charge.~~

(1) Each license, except a dealer's license, shall begin on July 1 and end on June 30 of the next succeeding year. The prescribed fee shall accompany every application for a license and shall apply for any portion of the annual period.

(2) Each dealer's license shall be valid for 12 months beginning on the date of issue for the initial license, and the first day of the month of issue for subsequent licenses, and shall expire on the last day of the month preceding the month in which the initial license was issued. Any dealer licensed under the provisions of this Code section who is also licensed under Chapter 2 of Title 3 to sell alcoholic beverages may, upon written request to the commissioner, arrange to have both licenses renewed on the same date each year. Any dealer that follows the proper procedure for a renewal of his or her license, including filing the application for renewal at least 30 days in advance of the expiration date of his or her existing license, shall be allowed to continue operating as a dealer under the existing license until the commissioner has issued the new license or denied the application for renewal.

(3) Each manufacturer's, importer's, distributor's, or dealer's license shall be subject to suspension or revocation for violation of any of the provisions of this chapter or of the rules and regulations made pursuant to this chapter. A separate license shall be required for each place of business. No person shall hold a distributor's license and a dealer's license at the same time.

(d) The commissioner may make rules and regulations governing the sale of cigars, cigarettes, loose or smokeless tobacco, and other tobacco products in vending machines. The commissioner shall require annually a special registration of each vending machine for any operation in this state and charge a license fee for the registration in the amount of ~~$1.00~~ $10.00 for each machine. The annual registration shall indicate the location of the vending machine. No vending machine shall be purchased or transported into this state for use in this state when the vending machine is not so designed as to permit inspection without opening the machine for the purpose of determining that all cigars, cigarettes, loose or smokeless tobacco, and other tobacco products contained in the machine bear the tax stamp required under this chapter.

(e) The manufacturer's, importer's, distributor's, or dealer's license shall be exhibited in the place of business for which it is issued in the manner prescribed by the commissioner. The commissioner shall require each licensed manufacturer, importer, or distributor to file with the commissioner a bond in an amount of not less than $1,000.00 to guarantee the proper performance of the manufacturer's, importer's, or distributor's duties and the discharge of the manufacturer's, importer's, or distributor's liabilities under this chapter. The bond shall run concurrently with the manufacturer's, importer's, or distributor's license but shall remain in full force and effect for a period of one year after the expiration or revocation of the manufacturer's, importer's, or distributor's license unless the commissioner certifies that all obligations due the state arising under this chapter have been paid.

(f) The jurisdiction of the commissioner in the administration of this chapter shall extend to every person using or consuming cigars, cigarettes, or loose or smokeless tobacco in this state and to every person dealing in cigars, cigarettes, or loose or smokeless tobacco in any way for business purposes and maintaining a place of business in this state. For the purpose of this chapter, the maintaining of an office, store, plant, warehouse, stock of goods, or regular sales or promotional activity,

whether carried on automatically or by salespersons or other representatives, shall constitute, among other activities, the maintaining of a place of business. For the purpose of enforcement of this chapter and the rules and regulations promulgated ~~hereunder~~ under this chapter, notwithstanding any other provision of law, the commissioner or his or her duly appointed hearing officer is granted authority to conduct hearings which shall at all times be exercised in conformity with rules and regulations promulgated by the commissioner and consistent with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(g) The commissioner may provide for the licensing of promotional activities, not including the sale of cigars, cigarettes, or loose or smokeless tobacco, carried on by the manufacturer. The fee for any such license shall be $10.00 annually."

SECTION 4.

Said chapter is further amended by revising Code Section 48-11-10, relating to monthly reports of licensed distributors, contents, and authority to require reports from common carriers, warehousemen, and others, as follows:

"48-11-10.

(a) Every licensed distributor shall file with the commissioner, on or before the tenth day of each month, a report in the form prescribed by the commissioner ~~and~~ disclosing:

(1) The quantity of cigars, cigarettes, or loose or smokeless tobacco on hand on the first and last days of the calendar month immediately preceding the month in which the report is filed;

(2) Information required by the commissioner concerning the amount of stamps purchased, used, and on hand during the report period; and

(3) Information otherwise required by the commissioner for the report period.

(b) The commissioner may require other reports as the commissioner deems necessary for the proper administration of this chapter, including, but not limited to, reports from common carriers and warehousemen with respect to cigars, cigarettes, and loose or smokeless tobacco delivered to or stored at any point in this state.

(c) Any person who fails to file any report when due shall forfeit as a penalty for each day after the due date until the report is filed the sum of ~~$1.00~~ $25.00, to be collected in the manner provided in subsection (c) of Code Section 48-11-24 for the collection of penalties."

SECTION 5.

Said chapter is further amended by revising Code Section 48-11-11, relating to record-keeping requirements for tobacco products, as follows:

"48-11-11.

(a) Each distributor and each dealer shall keep complete and accurate records of all cigars, cigarettes, and loose or smokeless tobacco manufactured, produced, purchased, and sold. The original records or a complete and legible photocopy or electronic image ~~shall be of the kind and in the form prescribed by the commissioner and~~ shall be safely preserved for three years in an appropriate manner to ensure permanency and

accessibility for inspection by the commissioner and the commissioner's authorized agents. The commissioner and the commissioner's authorized agents may examine the books, papers, and records of any distributor or dealer in this state for the purpose of determining whether the tax imposed by this chapter has been fully paid and, for the purpose of determining whether the provisions of this chapter are properly observed, may investigate and examine the stock of cigars, cigarettes, or loose or smokeless tobacco in or upon any premises, including, but not limited to, public and private warehouses where the cigars, cigarettes, or loose or smokeless tobacco is possessed, stored, or sold. Invoices sufficient to cover current inventory at a licensed location shall be maintained at that licensed location and made available for immediate inspection. All other records may be kept at a locality other than the licensed location and shall be provided for inspection within two business days after receipt of notification from the commissioner or an authorized agent of the commissioner to make such records available.

(b) The commissioner and his or her authorized agents may examine the books, papers, and records of any transportation company, any common, contract, or private carrier, and any public or private warehouse for the purpose of determining whether the provisions of this chapter are properly observed."

SECTION 6.

Said chapter is further amended by revising paragraph (4) of subsection (b) of Code Section 48-11-13, relating to a tax on persons having tobacco products on which certain taxes have not been paid, as follows:

"(4) Cigarettes or little cigars in an amount not exceeding 200 cigarettes or little cigars which have been brought into the state on the person;"

SECTION 7.

Said chapter is further amended by revising Code Section 48-11-18, relating to the procedure for hearing by persons aggrieved by actions of commissioner, initiation of hearings by the commissioner, production of evidence, appeals, bond, and grounds for not sustaining the commissioner's action, as follows:

"48-11-18.

(a) Any person aggrieved by any action of the commissioner or the commissioner's authorized agent may apply to the commissioner, in writing within ten days after the notice of the action is delivered or mailed to the commissioner, for a hearing. The application shall set forth the reasons why the hearing should be granted and the manner of relief sought. The commissioner shall notify the applicant of the time and place fixed for the hearing. After the hearing, the commissioner may make an order as may appear to the commissioner to be just and lawful and shall furnish a copy of the order to the applicant. The commissioner at any time by notice in writing may order a hearing on the commissioner's own initiative and require the taxpayer or any other person whom the commissioner believes to be in possession of information concerning any manufacture, importation, use, consumption, storage, or sale of cigars, cigarettes, or

loose or smokeless tobacco which has escaped taxation to appear before the commissioner or the commissioner's duly authorized agent with any specific books of account, papers, or other documents for examination under oath relative to the information.

(b) Any person aggrieved because of any final action or decision of the commissioner, after hearing, may appeal from the decision to the superior court of the county in which the appellant resides. The appeal shall be returnable at the same time and shall be served and returned in the same manner as required in the case of a summons in a civil action. The authority issuing the citation shall take from the appellant a bond of recognizance to the state, with surety, conditioned to prosecute the appeal and to effect and comply with the orders and decrees of the court. The action of the commissioner shall be sustained unless the court finds that ~~he~~ the commissioner misinterpreted this chapter or that there is no evidence to support ~~his~~ the commissioner's action. If the commissioner's action is not sustained, the court may grant equitable relief to the appellant. Upon all appeals which are denied, costs may be taxed against the appellant at the discretion of the court. No costs of any appeal shall be taxed against the state."

SECTION 8.

Said chapter is further amended by revising Code Section 48-11-22, relating to the transportation of unstamped tobacco products, the requirement of invoices or delivery tickets, contents, confiscation and disposition absent invoice or ticket, and penalties, as follows:

"48-11-22.

(a) Every person who transports upon the public highways, roads, and streets of this state cigars, cigarettes, or loose or smokeless tobacco not stamped or on which tax has not been paid in accordance with the alternate regulations provided by the commissioner under Code Section 48-11-3 shall have in such person's actual possession invoices or delivery tickets for the cigars, cigarettes, and loose or smokeless tobacco which show the true name and address of the consignor or seller, the true name of the consignee or purchaser, the quantity and brands of the cigars, cigarettes, or loose or smokeless tobacco transported, and the name and address of the person who has assumed or shall assume the payment of the tax at the point of ultimate destination. In the absence of the invoices or delivery tickets, the cigars, cigarettes, or loose or smokeless tobacco being transported and the vehicles in which the cigars, cigarettes, or loose or smokeless tobacco is being transported shall be confiscated and disposed of as provided in Code Section 48-11-9; and the transporter may be liable for a penalty of not more than ~~$25.00~~ $50.00 for each individual carton of little cigars or cigarettes, $50.00 for each individual box of cigars, and ~~$25.00~~ $50.00 for each individual container of loose or smokeless tobacco being transported by such person. The penalty shall be recovered as provided in subsection (c) of Code Section 48-11-24.

(b) This Code section shall apply only ~~with respect~~ to the transportation of more than 200 cigarettes, more than 200 little cigars, more than 20 cigars, or more than six containers of loose or smokeless tobacco."

SECTION 9.

Said chapter is further amended by revising Code Section 48-11-23, relating to penalties for transporting unstamped tobacco products, as follows:

"48-11-23.

(a) It shall be unlawful for any person, with the intent to evade the tax imposed by this chapter, to transport cigars, cigarettes, or loose or smokeless tobacco in violation of Code Section 48-11-22.

(b) Any person who violates Code Section 48-11-22, with the intent to evade the tax imposed by this chapter, shall, upon conviction, be ~~guilty of a misdemeanor.~~ subject to the following punishments:

(1) If such person is transporting more than 20 but fewer than 60 cigars, more than 200 but fewer than 600 cigarettes or little cigars, or more than six but fewer than 18 containers of loose or smokeless tobacco, such person shall be guilty of a misdemeanor;

(2) If such person is transporting 60 or more but fewer than 200 cigars, 600 or more but fewer than 2,000 cigarettes or little cigars, or 18 or more but fewer than 60 containers of loose or smokeless tobacco, such person shall be guilty of a misdemeanor of a high and aggravated nature; or

(3) If such person is transporting 200 or more cigars, 2,000 or more cigarettes or little cigars, or 60 or more containers of loose or smokeless tobacco, such person shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than three years nor more than ten years."

SECTION 10.

Said chapter is further amended by revising Code Section 48-11-24, relating to penalties for possession of unstamped tobacco products, penalties for operation of an unlicensed business or activity, procedure for enforcement and collection of penalties, and costs and expenses, as follows:

"48-11-24.

(a) Any person who possesses unstamped cigarettes ~~or loose or smokeless tobacco~~ or nontax-paid cigars, or little cigars, or loose or smokeless tobacco in violation of this chapter shall be liable for a penalty of not more than ~~$25.00~~ $50.00 for each individual carton of unstamped cigarettes ~~or loose or smokeless tobacco~~ and $50.00 for each individual nontax-paid carton of little cigars, box of ~~nontax-paid~~ cigars or container of loose or smokeless tobacco in his or her possession.

(b) Any person who engages in any business or activity for which a license is required by this chapter without first having obtained a license to do so or any person who continues to engage in or conduct the business after ~~his~~ the person's license has been revoked or during a suspension of the license shall be ~~liable for a penalty of not more than $250.00~~ guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be subject to imprisonment for up to 12 months, a fine of not more than $5,000.00, or both. Each day that the business is engaged in or conducted shall be deemed a separate offense.

(c) Proceedings to enforce and collect the penalties provided by this chapter shall be brought by and in the name of the commissioner. With respect to offenses committed within the territorial jurisdiction of the court, each superior court shall have jurisdiction to enforce and collect the penalty. The costs recoverable in any such proceeding shall be recovered by the commissioner in the event of judgment in ~~his~~ the commissioner's favor. If the judgment is for the defendant, it shall be without costs against the commissioner. All expenses incident to the recovery of any penalty pursuant to this Code section shall be paid in the same manner as any other expense incident to the administration of this chapter."

SECTION 11.

Said chapter is further amended by revising Code Section 48-11-26, relating to failure to file a report or a filing false report, as follows:

"48-11-26.

(a) With respect to this chapter, it shall be unlawful for any person, with the intent to defraud the state or evade the payment of any tax, penalty, or interest or any part of a payment when due, to:

(1) Willfully fail or refuse to file any report or statement required to be filed pursuant to this chapter or by the commissioner's rules and regulations; or

~~(2) File or cause to be filed with the commissioner any false or fraudulent report or statement; or~~

~~(3)~~(2) Aid or abet another in the filing with the commissioner of any false or fraudulent report or statement.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be subject to a fine of not more than $1,000.00 for each separate offense."

SECTION 12.

Said chapter is further amended by revising Code Section 48-11-28, relating to cigars and cigarettes and offenses relating to counterfeit stamps or tampering with metering machines, as follows:

"48-11-28.

(a) With respect to this chapter, it shall be unlawful for any person to:

(1) Fraudulently make, utter, forge, or counterfeit any stamp prescribed by the commissioner;

(2) Cause or procure a violation of paragraph (1) of this subsection to be done;

(3) Willfully utter, publish, pass, or render as true any false, altered, forged, or counterfeited stamp;

(4) Knowingly possess any false, altered, forged, or counterfeited stamp;

(5) For the purpose of evading the tax imposed, use more than once any stamp required by this chapter; or

(6) Tamper with or cause to be tampered with any metering machine authorized to be used.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than ~~one year~~ three years nor more than ten years."

SECTION 13.

Said chapter is further amended by revising Code Section 48-11-29, relating to cigars and cigarettes and false swearing or giving false testimony, as follows:

"48-11-29.

~~(a) It shall be unlawful for any person to:~~

~~(1) Knowingly swear to or affirm any false or fraudulent statement with intent to evade the payment of any tax imposed by this chapter; or~~

~~(2) Under oath, testify falsely at any hearing held pursuant to this chapter.~~

~~(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor~~ Reserved."

SECTION 14.

Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions relative to administrative procedure, is amended by revising paragraph (1) as follows:

"(1) 'Agency' means each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections and its penal institutions; the State Board of Workers' Compensation; all public authorities except as otherwise expressly provided by law; the State Personnel Board (Merit System); the Department of Administrative Services or commissioner of administrative services; the Technical College System of Georgia; the Department of Revenue when conducting hearings relating to alcoholic beverages, tobacco, or ~~relating to~~ bona fide coin operated amusement machines or any violations relating thereto; the Georgia Tobacco Community Development Board; the Georgia Higher Education Savings Plan; any school, college, hospital, or other such educational, eleemosynary, or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state. The term 'agency' shall include the State Board of Education and Department of Education, subject to the following qualifications:

(A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid rules adopted by the State Board of Education and Department of Education prior to January 1, 1990, are ratified and validated and shall be effective until January 1, 1991, whether or not such rules were adopted in compliance with the requirements of this chapter; and

(B) Effective January 1, 1991, any rule of the State Board of Education or Department of Education which has not been proposed, submitted, and adopted in accordance with the requirements of this chapter shall be void and of no effect."

SECTION 15.

This Act shall become effective January 1, 2013.

SECTION 16.

All laws and parts of laws in conflict with this Act are repealed.

Representative Houston of the 170th moved that the House agree to the Senate substitute to HB 1071.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	N Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	N Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	N Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 161, nays 5.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 397. By Representatives Powell of the 171st, Bearden of the 68th, Powell of the 29th, Greene of the 149th, Baker of the 78th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to comprehensively revise the provisions of law regarding open meetings and open records; to provide definitions relating to open meetings; to provide for the manner of closing meetings; to provide for open meetings; to provide for remedies for improperly closing meetings; to provide for exceptions and exemptions; to provide for sanctions; to provide for related matters; to conform certain cross references; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to comprehensively revise the provisions of law regarding open meetings and open records; to provide definitions relating to open meetings; to provide for the manner of closing meetings; to provide for open meetings; to provide for remedies for improperly closing meetings; to provide for notice of meetings; to provide for exceptions; to provide for certain privileges; to provide for sanctions; to provide for related matters; to provide for legislative intent regarding open records; to provide for definitions relating to open records; to provide for applicability; to provide for procedures regarding disclosure and enforcement of disclosure provisions; to provide for fees and the amount and manner of collection thereof; to provide for exceptions and exemptions; to provide for sanctions; to provide for related matters; to conform certain cross references; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising Chapter 14, relating to open and public meetings, as follows:

"CHAPTER 14

50-14-1.

(a) As used in this chapter, the term:

(1) 'Agency' means:

(A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

- (C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state;

(D) Every city, county, regional, or other authority established pursuant to the laws of this state; and

(E) Any nonprofit organization to which there is a direct allocation of tax funds made by the governing ~~authority~~ body of any agency as defined in this paragraph ~~and~~ which ~~allocation~~ constitutes more than 33 1/3 percent of the funds from all sources of such organization; provided, however, that this subparagraph shall not include hospitals, nursing homes, dispensers of pharmaceutical products, or any other type organization, person, or firm furnishing medical or health services to a citizen for which they receive reimbursement from the state whether directly or indirectly; nor shall this term include a subagency or affiliate of such a nonprofit organization from or through which the allocation of tax funds is made.

(2) 'Executive session' means a portion of a meeting lawfully closed to the public.

(3)(A) 'Meeting' means ~~the~~:

(i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or

(ii) The gathering of a quorum of any committee of ~~it's~~ the members of the governing body of an agency or a quorum of any committee created by ~~such~~ the governing body~~, whether standing or special, pursuant to schedule, call, or notice of or from such governing body or committee or an authorized member, at a designated time and place at which any public matter, official business, or policy of the agency is to be discussed or presented or at which official action is to be taken or, in the case of a committee, recommendations on any public matter,~~ at which any official business, ~~or~~ policy ~~to the governing body are to be~~, or public matter of the committee is formulated, presented, ~~or~~ discussed, or voted upon.

(B) 'Meeting' shall not include:

(i) The ~~assembling together~~ gathering of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency ~~or for the purposes of meeting with the governing bodies, officers, agents, or employees of other agencies at places outside the geographical jurisdiction of an agency and~~ at which no ~~final~~ other official business of the agency is to be discussed or official action is to be taken ~~shall not be deemed a 'meeting.'~~;

(ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide, multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;

(iii) The gathering of a quorum of the members of a governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;

(iv) The gathering of a quorum of the members of a governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or

(v) The gathering of a quorum of the members of a governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

This subparagraph's exclusions from the definition of the term 'meeting' shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

(b)(1) Except as otherwise provided by law, all meetings ~~as defined in subsection (a) of this Code section~~ shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of this chapter.

(2) Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an agency based on an alleged violation of this provision ~~must~~ shall be commenced within 90 days of the date such contested action was taken~~, provided that~~ or, if the meeting was held in a manner not permitted by law, within 90 days from the date the party alleging the violation knew or should have known about the alleged violation so long as such date is not more than six months after the date the contested action was taken.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any action under this chapter contesting a zoning decision of a local governing authority shall be commenced within the time allowed by law for appeal of such zoning decision.

(c) The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section. Visual~~, sound, and visual~~ and sound recording during open meetings shall be permitted.

(d)(1) Every agency subject to this chapter shall prescribe the time, place, and dates of regular meetings of the agency. Such information shall be available to the general public and a notice containing such information shall be posted at least one week in

advance and maintained in a conspicuous place available to the public at the regular ~~meeting~~ place of ~~the~~ an agency or committee meeting subject to this chapter as well as on the agency's website, if any. Meetings shall be held in accordance with a regular schedule, but nothing in this subsection shall preclude an agency from canceling or postponing any regularly scheduled meeting.

(2) For any meeting, other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, ~~Whenever any meeting required to be open to the public is to be held at a time or place other than at the time and place prescribed for regular meetings, the agency shall give due notice thereof. 'Due notice' shall be the posting of a written notice for at least 24 hours at the place of regular meetings and giving of~~ written or oral notice shall be given at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in ~~said~~ such county at least equal to that of the legal organ; provided, however, that, in counties where the legal organ is published less often than four times weekly ~~'due notice'~~, sufficient notice shall be the posting of a written notice for at least 24 hours at the place of regular meetings and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone ~~or~~, facsimile, or e-mail to that requesting media outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a legal organ or other newspaper, that publication shall immediately or as soon as practicable make the information available upon inquiry to any member of the public. Upon written request from any local broadcast or print media outlet, a copy of the meeting's agenda shall be provided by facsimile, e-mail, or mail through a self-addressed, stamped envelope provided by the requestor.

(3) When special circumstances occur and are so declared by an agency, that agency may hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to ~~said~~ the county legal organ or a newspaper having a general circulation in the county at least equal to that of the legal organ, in which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. ~~Whenever notice is given to a legal organ or other newspaper, that publication shall immediately make the information available upon inquiry to any member of the public. Any oral notice required or permitted by this subsection may be given by telephone.~~ Such reasonable notice shall also include, upon written request within the previous calendar year from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet.

(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site~~,~~ as far in advance of the meeting as reasonably possible, but

shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

(2)(A) A summary of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection within two business days of the adjournment of a meeting ~~of any agency~~.

(B) The regular minutes of a meeting ~~of any agency~~ subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following ~~the~~ its next regular meeting ~~of the agency~~; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such ~~Said~~ minutes shall, ~~as~~ at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. ~~In the case of a roll-call vote the~~ The name of each person voting for or against a proposal shall be recorded ~~and in all other cases it~~. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

(C) Minutes of executive sessions shall also be recorded but shall not be open to the public. Such minutes shall specify each issue discussed in executive session by the agency or committee. In the case of executive sessions where matters subject to the attorney-client privilege are discussed, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Such minutes shall be kept and preserved for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.

(f) An agency with state-wide jurisdiction or committee of such an agency shall be authorized to conduct meetings by ~~telecommunications conference~~ teleconference, provided that any such meeting is conducted in compliance with this chapter.

(g) Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, agencies or committees thereof not otherwise permitted by subsection (f) of this Code section to conduct meetings by teleconference may meet by means of teleconference so long as the notice required by this chapter is provided and means are afforded for the public to have simultaneous access to the teleconference meeting. On any other occasion of the meeting of an agency or committee thereof, and so long as a quorum is present in person, a member may participate by teleconference if necessary due to reasons of health or absence from the jurisdiction so long as the other requirements of this chapter are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member shall

participate by teleconference pursuant to this subsection more than twice in one calendar year.

50-14-2.
This chapter shall not be construed so as to repeal in any way:
(1) The attorney-client privilege recognized by state law to the extent that a meeting otherwise required to be open to the public under this chapter may be closed in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved; provided, however, the meeting may not be closed for advice or consultation on whether to close a meeting; and
(2) Those tax matters which are otherwise made confidential by state law.

50-14-3.
(a) This chapter shall not apply to the following:
(1) Staff meetings held for investigative purposes under duties or responsibilities imposed by law;
(2) The deliberations and voting of the State Board of Pardons and Paroles; and in addition ~~said~~ such board may close a meeting held for the purpose of receiving information or evidence for or against clemency or in revocation proceedings if it determines that the receipt of such information or evidence in open meeting would present a substantial risk of harm or injury to a witness;
(3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;
(4) Adoptions and proceedings related thereto;
(5) Gatherings involving an agency and one or more neutral third parties in mediation of a dispute between the agency and any other party. In such a gathering, the neutral party may caucus jointly or independently with the parties to the mediation to facilitate a resolution to the conflict, and any such caucus shall not be subject to the requirements of this chapter. Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement agreement, memorandum of agreement, memorandum of understanding, or other similar document, however denominated, in which an agency has formally resolved a claim or dispute shall be subject to the provisions of Article 4 of Chapter 18 of this title;
(6) Meetings:
(A) Of any medical staff committee of a public hospital;
(B) Of the governing authority of a public hospital or any committee thereof when performing a peer review or medical review function as set forth in Code Section 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other applicable federal or state statute or regulation; and

(C) Of the governing authority of a public hospital or any committee thereof in which the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law is discussed, considered, or voted upon;

(7) Incidental conversation unrelated to the business of the agency; or

(8) E-mail communications among members of an agency; provided, however, that such communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this title.

(b) Subject to compliance with the other provisions of this chapter, executive sessions shall be permitted for:

~~(4)~~(1) Meetings when any agency is discussing ~~the future acquisition of real estate, except that such meetings shall be subject to the requirements of this chapter for the giving of the notice of such a meeting to the public and preparing the minutes of such a meeting; provided, however, the disclosure of such portions of the minutes as would identify real estate to be acquired may be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings with respect thereto initiated;~~ or voting to:

(A) Authorize the settlement of any matter which may be properly discussed in executive session in accordance with paragraph (1) of Code Section 50-14-2;

(B) Authorize negotiations to purchase, dispose of, or lease property;

(C) Authorize the ordering of an appraisal related to the acquisition or disposal of real estate;

(D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or

(E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote;

~~(5) Meetings of the governing authority of a public hospital or any committee thereof when discussing the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law;~~

~~(6)~~(2) Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee ~~but not when receiving evidence~~ or interviewing applicants for the position of the executive head of an agency. This exception shall not apply to the receipt of evidence or when hearing argument on ~~charges filed to determine~~ personnel matters, including whether to impose disciplinary action or ~~dismissal of~~ dismiss a public officer or employee or when considering or discussing matters of policy regarding the employment or hiring practices of the agency. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an

agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;

~~(7) Adoptions and proceedings related thereto;~~

~~(8)~~(3) Meetings of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when such board or committee is discussing matters pertaining to investment securities trading or investment portfolio positions and composition; and

~~(9)~~(4) Portions of meetings during which that portion of a record made ~~Meetings when discussing any records that are~~ exempt from public inspection or disclosure pursuant to ~~paragraph (15) of subsection (a) of Code Section 50-18-72, when discussing any information a record of which would be exempt from public inspection or disclosure under said paragraph, or when reviewing or discussing any security plan under consideration pursuant to paragraph (10) of subsection (a) of Code Section 15-16-10~~ Article 4 of Chapter 18 of this title is to be considered by an agency and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed.

50-14-4.

(a) When any meeting of an agency is closed to the public pursuant to any provision of this chapter, the specific reasons for such closure shall be entered upon the official minutes, the meeting shall not be closed to the public except by a majority vote of a quorum present for the meeting, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting of an agency is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be taken, recorded, and open to public inspection as provided in subsection (e) of Code Section 50-14-1.

(b)(1) When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the ~~chairperson or other~~ person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(2) In the event that one or more persons in an executive session initiates a discussion that is not authorized pursuant to Code Section 50-14-3, the presiding officer shall immediately rule the discussion out of order and all present shall cease the questioned conversation. If one or more persons continue or attempt to continue the discussion after being ruled out of order, the presiding officer shall immediately adjourn the executive session.

50-14-5.

(a) The superior courts of this state shall have jurisdiction to enforce compliance with the provisions of this chapter, including the power to grant injunctions or other equitable relief. In addition to any action that may be brought by any person, firm, corporation, or other entity, the Attorney General shall have authority to bring enforcement actions, either civil or criminal, in his or her discretion as may be appropriate to enforce compliance with this chapter.

(b) In any action brought to enforce the provisions of this chapter in which the court determines that an agency acted without substantial justification in not complying with this chapter, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought.

(c) Any agency or person who provides access to information in good faith reliance on the requirements of this chapter shall not be liable in any action on account of having provided access to such information.

50-14-6.

Any person knowingly and willfully conducting or participating in a meeting in violation of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed ~~$500.00~~ $1,000.00. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this chapter against any person who negligently violates the terms of this chapter in an amount not to exceed $1,000.00 for the first violation. A civil penalty or criminal fine not to exceed $2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date that the first penalty or fine was imposed. It shall be a defense to any criminal action under this Code section that a person has acted in good faith in his or her actions."

SECTION 2.

Said title is further amended by revising Article 4 of Chapter 18, relating to inspection of public records, as follows:

"ARTICLE 4

50-18-70.

(a) The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions. The General Assembly further finds and declares that there is a strong presumption that public

records should be made available for public inspection without delay. This article shall be broadly construed to allow the inspection of governmental records. The exceptions set forth in this article, together with any other exception located elsewhere in the Code, shall be interpreted narrowly to exclude only those portions of records addressed by such exception.

~~(a)~~(b) As used in this article, the term:

(1) 'Agency' shall have the same meaning as in Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization that has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state, their officers, or any combination thereof and derives more than 33 1/3 percent of its general operating budget from payments from such political subdivisions.

(2) 'Public record' means ~~'public record' shall mean~~ all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use. ~~in the course of the operation of a public office or agency. 'Public record' shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency which are not otherwise subject to protection from disclosure; provided, however, this Code section shall be construed to disallow an agency's placing or causing such items to be placed in the hands of a private person or entity for the purpose of avoiding disclosure. Records received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of an agency, a public agency, or a public office shall be subject to disclosure to the same extent that such records would be subject to disclosure if received or maintained by such agency, public agency, or public office. As used in this article, the term 'agency' or 'public agency' or 'public office' shall have the same meaning and application as provided for in the definition of the term 'agency' in paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization which: (1) has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state or their officers or any combination thereof; and (2) derives a substantial portion of its general operating budget from payments from such political subdivisions.~~

~~(b) All public records of an agency as defined in subsection (a) of this Code section, except those which by order of a court of this state or by law are prohibited or specifically exempted from being open to inspection by the general public, shall be open for a personal inspection by any citizen of this state at a reasonable time and place; and those in charge of such records shall not refuse this privilege to any citizen.~~

~~(c) Any computerized index of a county real estate deed records shall be printed for purposes of public inspection no less than every 30 days and any correction made on~~

~~such index shall be made a part of the printout and shall reflect the time and date that said index was corrected.~~

~~(d) No public officer or agency shall be required to prepare reports, summaries, or compilations not in existence at the time of the request.~~

~~(e) In a pending proceeding under Chapter 13 of this title, the 'Georgia Administrative Procedure Act,' or under any other administrative proceeding authorized under Georgia law, a party may not access public records pertaining to the subject of the proceeding pursuant to this article without the prior approval of the presiding administrative law judge, who shall consider such open record request in the same manner as any other request for information put forth by a party in such a proceeding. This subsection shall not apply to any proceeding under Chapter 13 of this title, relating to the revocation, suspension, annulment, withdrawal, or denial of a professional education certificate, as defined in Code Section 20-2-200, or any personnel proceeding authorized under Part 7 and Part 11 of Article 17 and Article 25 of Chapter 2 of Title 20.~~

~~(f) The individual in control of such public record or records shall have a reasonable amount of time to determine whether or not the record or records requested are subject to access under this article and to permit inspection and copying. In no event shall this time exceed three business days. Where responsive records exist but are not available within three business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided within that period; provided, however, that records not subject to inspection under this article need not be made available for inspection and copying or described other than as required by subsection (h) of Code Section 50-18-72, and no records need be made available for inspection or copying if the public officer or agency in control of such records shall have obtained, within that period of three business days, an order based on an exception in this article of a superior court of this state staying or refusing the requested access to such records.~~

~~(g) At the request of the person, firm, corporation, or other entity requesting such records, records maintained by computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to nonrequested or nonavailable records.~~

50-18-71.

(a) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure. Records shall be maintained by agencies to the extent and in the manner required by Article 5 of this chapter. ~~In all cases where an interested member of the public has a right to inspect or take extracts or make copies from any public records, instruments, or documents, any such person shall have the right of access to the records, documents, or instruments for the purpose of making photographs or reproductions of the same while in the possession, custody, and control of the lawful custodian thereof, or his authorized deputy. Such work shall be done under the supervision of the lawful custodian of the records, who shall have the right to adopt and enforce reasonable rules~~

~~governing the work. The work shall be done in the room where the records, documents, or instruments are kept by law. While the work is in progress, the custodian may charge the person making the photographs or reproductions of the records, documents, or instruments at a rate of compensation to be agreed upon by the person making the photographs and the custodian for his services or the services of a deputy in supervising the work.~~

(b)(1)(A) Agencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request; provided, however, that nothing in this chapter shall require agencies to produce records in response to a request if such records did not exist at the time of the request. In those instances where some, but not all, records are available within three business days, an agency shall make available within that period those records that can be located and produced. In any instance where records are unavailable within three business days of receipt of the request, and responsive records exist, the agency shall, within such time period, provide the requester with a description of such records and a timeline for when the records will be available for inspection or copying and provide the responsive records or access thereto as soon as practicable. ~~Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply.~~

(B) A request made pursuant to this article may be made to the custodian of a public record orally or in writing. An agency may, but shall not be obligated to, require that all written requests be made upon the responder's choice of one of the following: the agency's director, chairperson, or chief executive officer, however denominated; the senior official at any satellite office of an agency; a clerk specifically designated by an agency as the custodian of agency records; or a duly designated open records officer of an agency; provided, however, that the absence or unavailability of the designated agency officer or employee shall not be permitted to delay the agency's response. At the time of inspection, any person may make photographic copies or other electronic reproductions of the records using suitable portable devices brought to the place of inspection. Notwithstanding any other provision of this chapter, an agency may, in its discretion, provide copies of a record in lieu of providing access to the record when portions of the record contain confidential information that must be redacted.

(2) Any agency that designates one or more open records officers upon whom requests for inspection or copying of records may be delivered shall make such designation in writing and shall immediately provide notice to any person upon request, orally or in writing, of those open records officers. If the agency has elected to designate an open records officer, the agency shall so notify the legal organ of the county in which the agency's principal offices reside and, if the agency has a website, shall also prominently display such designation on the agency's website. In the event an agency requires that requests be made upon the individuals identified in subparagraph (B) of paragraph (1) of this subsection, the three-day period for response to a written request shall not begin to run until the request is made in writing

upon such individuals. An agency shall permit receipt of written requests by e-mail or facsimile transmission in addition to any other methods of transmission approved by the agency, provided such agency uses e-mail or facsimile in the normal course of its business.

(3) The enforcement provisions of Code Sections 50-18-73 and 50-18-74 shall be available only to enforce compliance and punish noncompliance when a written request is made consistent with this subsection and shall not be available when such request is made orally.

(c)(1) An agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records pursuant to this article. An agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents. Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply when certified copies or other records to which a specific fee may apply are sought. In all other instances, the charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour. ~~Where no fee is otherwise provided by law, the agency may charge and collect a uniform copying fee not to exceed 25¢ per page.~~

(2) In addition to a charge for the search, retrieval, or redaction of records, an agency may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter or legal size documents or, in the case of other documents, the actual cost of producing the copy. In the case of electronic records, the agency may charge the actual cost of the media on which the records or data are produced.

(3) Whenever any person has requested to inspect or copy a public record and does not pay the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully estimated and agreed to pursuant to this article, and the agency has incurred the agreed-upon costs to make the records available, regardless of whether the requester inspects or accepts copies of the records, the agency shall be authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments by such agency.

(d) In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three business days or in the event the search and retrieval of records is delayed pursuant to this paragraph or pursuant to subparagraph (b)(1)(A) of this Code section, then no later than three business days after the records have been retrieved. In any instance in which an agency will seek costs in excess of $25.00 for responding to a request, the agency shall notify the requester within a reasonable amount of time not to exceed three business days and inform the requester of the estimate of the costs, and the agency may

defer search and retrieval of the records until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the search and retrieval costs. In any instance in which the estimated costs for production of the records exceeds $500.00, an agency may insist on prepayment of the costs prior to beginning search, retrieval, review, or production of the records. Whenever any person who has requested to inspect or copy a public record has not paid the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully incurred, an agency may require prepayment for compliance with all future requests for production of records from that person until the costs for the prior production of records have been paid or the dispute regarding payment resolved. ~~In addition, a reasonable charge may be collected for search, retrieval, and other direct administrative costs for complying with a request under this Code section. The hourly charge shall not exceed the salary of the lowest paid full-time employee who, in the discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.~~

(e) Requests by civil litigants for records that are sought as part of or for use in any ongoing civil or administrative litigation against an agency shall be made in writing and copied to counsel of record for that agency contemporaneously with their submission to that agency. The agency shall provide, at no cost, duplicate sets of all records produced in response to the request to counsel of record for that agency unless the counsel of record for that agency elects not to receive the records. ~~An agency shall utilize the most economical means available for providing copies of public records.~~

(f) As provided in this subsection, an agency's use of electronic record-keeping systems must not erode the public's right of access to records under this article. Agencies shall produce electronic copies of or, if the requester prefers, printouts of electronic records or data from data base fields that the agency maintains using the computer programs that the agency has in its possession. An agency shall not refuse to produce such electronic records, data, or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data. A requester may request that electronic records, data, or data fields be produced in the format in which such data or electronic records are kept by the agency, or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) format, if the agency's existing computer programs support such an export format. In such instance, the data or electronic records shall be downloaded in such format onto suitable electronic media by the agency. ~~Where information requested is maintained by computer, an agency may charge the public its actual cost of a computer disk or tape onto which the information is transferred and may charge for the administrative time involved as set forth in subsection (d) of this Code section.~~

(g) Requests to inspect or copy electronic messages, whether in the form of e-mail, text message, or other format, should contain information about the messages that is reasonably calculated to allow the recipient of the request to locate the messages sought, including, if known, the name, title, or office of the specific person or persons whose electronic messages are sought and, to the extent possible, the specific data bases to be searched for such messages. ~~Whenever any person has requested one or more copies of a public record and such person does not pay the copying charges and charges for search, retrieval, or other direct administrative costs in accordance with the provisions of this Code section:~~

~~(1) A county or a department, agency, board, bureau, commission, authority, or similar body of a county is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the county;~~

~~(2) A municipal corporation or a department, agency, board, bureau, commission, authority, or similar body of a municipal corporation is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the municipal corporation;~~

~~(3) A consolidated government or a department, agency, board, bureau, commission, authority, or similar body of a consolidated government is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the consolidated government;~~

~~(4) A county school board or a department, agency, board, bureau, commission, authority, or similar body of a county school board is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the county;~~

~~(5) An independent school board or a department, agency, board, bureau, commission, authority, or similar body of an independent school board is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the municipal corporation; and~~

~~(6) A joint or regional authority or instrumentality which serves one or more counties and one or more municipal corporations, two or more counties, or two or more municipal corporations is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the county if a county is involved with the authority or instrumentality or in any manner authorized by law for the collection of taxes, fees, or assessments owed to the municipal corporation if a municipal corporation is involved with the authority or instrumentality.~~

~~This subsection shall apply whether or not the person requesting the copies has appeared to receive the copies.~~

(h) In lieu of providing separate printouts or copies of records or data, an agency may provide access to records through a website accessible by the public. However, if an agency receives a request for data fields, an agency shall not refuse to provide the responsive data on the grounds that the data is available in whole or in its constituent parts through a website if the requester seeks the data in the electronic format in which it is kept. Additionally, if an agency contracts with a private vendor to collect or

maintain public records, the agency shall ensure that the arrangement does not limit public access to those records and that the vendor does not impede public record access and method of delivery as established by the agency or as otherwise provided for in this Code section.

(i) Any computerized index of county real estate deed records shall be printed for purposes of public inspection no less than every 30 days, and any correction made on such index shall be made a part of the printout and shall reflect the time and date that such index was corrected.

(j) No public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request.

~~50-18-71.1.~~

~~(a) Notwithstanding any other provision of this article, an exhibit tendered to the court as evidence in a criminal or civil trial shall not be open to public inspection without approval of the judge assigned to the case or, if no judge has been assigned, approval of the chief judge or, if no judge has been designated chief judge, approval of the judge most senior in length of service on the court.~~

~~(b) Except as provided in subsection (d) of this Code section, in the event inspection is not approved by the court, in lieu of inspection of such an exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the following representations of the exhibit:~~

~~(1) A photograph;~~

~~(2) A photocopy;~~

~~(3) A facsimile; or~~

~~(4) Another reproduction.~~

~~(c) The provisions of subsections (b), (c), (d), and (e) of Code Section 50-18-71 shall apply to fees, costs, and charges for providing a photocopy of such an exhibit. Fees for providing a photograph, facsimile, or other reproduction of such an exhibit shall not exceed the cost of materials or supplies and a reasonable charge for time spent producing the photograph, facsimile, or other reproduction, in accordance with subsections (d) and (e) of Code Section 50-18-71.~~

~~(d) Any physical evidence that is evidence of a violation of Part 2 of Article 3 of Chapter 12 of Title 16, that is used as an exhibit in a criminal or civil trial, shall not be open to public inspection except as provided in subsection (a) of this Code section. If the judge approves inspection of such physical evidence, the judge shall designate, in writing, the location where such physical evidence may be inspected, which location shall be in a facility owned or operated by an agency of state or local government. If the judge permits inspection, such property or material shall not be photographed, copied, or reproduced by any means. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years and by a fine of not more than $100,000.00, or both.~~

~~50-18-71.2.~~

~~Any agency receiving a request for public records shall be required to notify the party making the request of the estimated cost of the copying, search, retrieval, and other administrative fees authorized by Code Section 50-18-71 as a condition of compliance with the provisions of this article prior to fulfilling the request as a condition for the assessment of any fee; provided, however, that no new fees other than those directly attributable to providing access shall be assessed where records are made available by electronic means.~~

50-18-72.

(a) Public disclosure shall not be required for records that are:

(1) Specifically required by federal statute or regulation to be kept confidential;

(2) Medical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy;

(3) Except as otherwise provided by law, records compiled for law enforcement or prosecution purposes to the extent that production of such records ~~would~~ is reasonably likely to disclose the identity of a confidential source, disclose confidential investigative or prosecution material which would endanger the life or physical safety of any person or persons, or disclose the existence of a confidential surveillance or investigation;

(4) Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving ~~said~~ such investigation and prosecution has become final or otherwise terminated; and provided, further, that this paragraph shall not apply to records in the possession of an agency that is the subject of the pending investigation or prosecution;

~~(4.1)~~(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the submission of a written statement of need by the requesting party~~, such statement~~ to be provided to the custodian of records and to set forth the need for the report pursuant to this Code section; provided, however, that any person or entity whose name or identifying information is contained in a Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or through a lawyer or other representative, to receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle Accident Reports shall not be available in bulk for inspection or copying by any person absent a written statement showing the need for each such report pursuant to the requirements of this Code section. For the purposes of this subsection, the term 'need' means that the natural person or legal entity who is requesting in person or by representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

(A) Has a personal, professional, or business connection with a party to the accident;

(B) Owns or leases an interest in property allegedly or actually damaged in the accident;

(C) Was allegedly or actually injured by the accident;

(D) Was a witness to the accident;

(E) Is the actual or alleged insurer of a party to the accident or of property actually or allegedly damaged by the accident;

(F) Is a prosecutor or a publicly employed law enforcement officer;

(G) Is alleged to be liable to another party as a result of the accident;

(H) Is an attorney stating that he or she needs the requested reports as part of a criminal case, or an investigation of a potential claim involving contentions that a roadway, railroad crossing, or intersection is unsafe;

(I) Is gathering information as a representative of a news media organization;

(J) Is conducting research in the public interest for such purposes as accident prevention, prevention of injuries or damages in accidents, determination of fault in an accident or accidents, or other similar purposes; provided, however, that this subparagraph ~~will~~ shall apply only to accident reports on accidents that occurred more than 30 days prior to the request and which shall have the name, street address, telephone number, and driver's license number redacted; or

(K) Is a governmental official, entity, or agency, or an authorized agent thereof, requesting reports for the purpose of carrying out governmental functions or legitimate governmental duties;

~~(4.2)~~(6) Jury list data, including, but not limited to, persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, social security numbers, and when it is available, the person's ethnicity, and other confidential identifying information that is collected and used by the Council of Superior Court Clerks of Georgia for creating, compiling, and maintaining state-wide master jury lists and county master jury lists for the purpose of establishing and maintaining county jury source lists pursuant to the provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge of a court having jurisdiction over a case in which a challenge to the array of the grand or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk of the county board of jury commissioners of any county shall provide data within the time limit established by the court for the limited purpose of such challenge. Neither the Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury commissioners shall be liable for any use or misuse of such data;

~~(5)~~(7) Records ~~that consist~~ consisting of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee; ~~and records~~

(8) Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the same has been presented to the agency or an officer for action or the investigation is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to make such investigatory records privileged;

~~(6)(A)~~(9) Real estate appraisals, engineering or feasibility estimates, or other records made for or by the state or a local agency relative to the acquisition of real property until such time as the property has been acquired or the proposed transaction has been terminated or abandoned; ~~and~~

~~(B)~~(10) Pending ~~Engineers' cost estimates and pending~~, rejected, or deferred sealed bids or sealed proposals and detailed cost estimates related thereto until such time as the final award of the contract is made, ~~or~~ the project is terminated or abandoned~~. The provisions of this subparagraph shall apply whether the bid or proposal is received or prepared by the Department of Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county pursuant to Article 3 of Chapter 4 of Title 32, by a municipality pursuant to Article 4 of Chapter 4 of Title 32, or by a governmental entity pursuant to Article 2 of Chapter 91 of Title 36~~, or the agency in possession of the records takes a public vote regarding the sealed bid or sealed proposal, whichever comes first;

~~(7)~~(11) Records which ~~Notwithstanding any other provision of this article, an agency shall not be required to release those portions of records which would~~ identify persons applying for or under consideration for employment or appointment as executive head of an agency ~~as that term is defined in paragraph (1) of subsection (a) of Code Section 50-14-1,~~ or of a unit of the University System of Georgia; provided, however, that at least 14 calendar days prior to the meeting at which final action or vote is to be taken on the position ~~the agency shall release~~ of executive head of an agency or five business days prior to the meeting at which final action or vote is to be taken on the position of president of a unit of the University System of Georgia, all documents ~~which came into its possession with respect to as many as~~ concerning as many as three persons under consideration whom the agency has determined to be the best qualified for the position ~~and from among whom the agency intends to fill the position~~ shall be subject to inspection and copying. Prior to the release of these documents, an agency may allow such a person to decline being considered further for the position rather than have documents pertaining to ~~the~~ such person released. In that event, the agency shall release the documents of the next most qualified person under consideration who does not decline the position. If an agency has conducted its hiring or appointment process ~~open to the public~~ without conducting interviews or discussing or deliberating in executive session in a manner otherwise consistent with Chapter 14 of this title, it shall not be required to delay ~~14 days to take~~ final action on the position. The agency shall not be required to release such records ~~with respect to~~ of other applicants or persons under consideration, except at the request of any such person. Upon request, the hiring agency shall furnish the number of applicants and the composition of the list by such factors as race and sex. The agency shall not be allowed to avoid the provisions of this paragraph by the employment of a private person or agency to assist with the search or application process;

~~(8)~~(12) Related to the provision of staff services to individual members of the General Assembly by the Legislative and Congressional Reapportionment Office, the Senate Research Office, or the House Budget and Research Office, provided that this exception shall not have any application ~~with respect~~ to records related to the

provision of staff services to any committee or subcommittee or to any records which are or have been previously publicly disclosed by or pursuant to the direction of an individual member of the General Assembly;

~~(9)~~(13) Records that are of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the Board of Regents of the University System of Georgia when the owner or donor of such records wishes to place restrictions on access to the records. No restriction on access, however, may extend more than 75 years from the date of donation or sale. This exemption shall not apply to any records prepared in the course of the operation of state or local governments of the State of Georgia;

~~(10)~~(14) Records that contain information from the Department of Natural Resources inventory and register relating to the location and character of a historic property or of historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2 if the Department of Natural Resources through its Division of Historic Preservation determines that disclosure will create a substantial risk of harm, theft, or destruction to the property or properties or the area or place where the property or properties are located;

~~(10.1)~~(15) Records of farm water use by individual farms as determined by water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105; provided, however, that compilations of such records for the 52 large watershed basins as identified by the eight-digit United States Geologic Survey hydrologic code or an aquifer that do not reveal farm water use by individual farms shall be subject to disclosure under this article;

~~(10.2)~~(16) Agricultural or food system records, data, or information that are considered by the ~~Georgia~~ Department of Agriculture to be a part of the critical infrastructure, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term 'critical infrastructure' shall have the same meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;

~~(10.3)~~(17) Records, data, or information collected, recorded, or otherwise obtained that is deemed confidential by the ~~Georgia~~ Department of Agriculture for the purposes of the national animal identification system, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term 'national animal identification program' means a national program intended to identify animals and track them as they come into contact with or commingle with animals other than herdmates from their premises of origin. Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;

~~(11)~~(18) Records that contain ~~site-specific~~ site-specific information regarding the occurrence of rare species of plants or animals or the location of sensitive natural habitats on public or private property if the Department of Natural Resources determines that disclosure will create a substantial risk of harm, theft, or destruction to the species or habitats or the area or place where the species or habitats are located; provided, however, that the owner or owners of private property upon which rare species of plants or animals occur or upon which sensitive natural habitats are located shall be entitled to such information pursuant to this article;

~~(11.1) An individual's social security number and insurance or medical information in personnel records, which may be redacted from such records;~~

~~(11.2)~~(19) Records that ~~would~~ reveal the names, home addresses, telephone numbers, security codes, e-mail addresses, or any other data or information developed, collected, or received by counties or municipalities in connection with neighborhood watch or public safety notification programs or with the installation, servicing, maintaining, operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other electronic security systems; provided, however, that initial police reports and initial incident reports shall remain subject to disclosure pursuant to paragraph (4) of this subsection;

~~(11.3)~~(20)(A) Records that reveal an ~~An~~ individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account number, ~~including a~~ utility account number, password used to access his or her account, financial data or information, ~~and~~ insurance or medical information in all records, ~~and~~ unlisted telephone number if so designated in a public record, personal e-mail address or cellular telephone number, ~~if technically feasible at reasonable cost,~~ day and month of birth, ~~which~~ and information regarding public utility, television, Internet, or telephone accounts held by private customers, provided that nonitemized bills showing amounts owed and amounts paid shall be available. Items exempted by this subparagraph shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath by such person or a person legally authorized to represent such entity which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting; and provided, further, that such access shall be limited to social security numbers and day and month of birth; and provided, further, that ~~this~~ the news media organization exception ~~for access to social security numbers and day and month of birth and the other protected information set forth~~ in this subparagraph shall not apply to ~~teachers, employees of a public school, or public employees as set forth in~~ paragraph ~~(13.1)~~ (21) of this subsection. ~~For purposes of this subparagraph, the term 'public employee' means any nonelected employee of the State of Georgia or its agencies, departments, or commissions or any county or municipality or its agencies, departments, or commissions.~~

(B) This paragraph shall have no application to:

(i) The disclosure of information contained in the records or papers of any court or derived therefrom including without limitation records maintained pursuant to Article 9 of Title 11;

(ii) The disclosure of information to a court, prosecutor, or publicly employed law enforcement officer, or authorized agent thereof, seeking records in an official capacity;

(iii) The disclosure of information to a public employee of this state, its political subdivisions, or the United States who is obtaining such information for administrative purposes, in which case, subject to applicable laws of the United States, further access to such information shall continue to be subject to the provisions of this paragraph;

(iv) The disclosure of information as authorized by the order of a court of competent jurisdiction upon good cause shown to have access to any or all of such information upon such conditions as may be set forth in such order;

(v) The disclosure of information to the individual in respect of whom such information is maintained, with the authorization thereof, or to an authorized agent thereof; provided, however, that the agency maintaining such information shall require proper identification of such individual or such individual's agent, or proof of authorization, as determined by such agency;

(vi) The disclosure of the day and month of birth and mother's birth name of a deceased individual;

(vii) The disclosure by an agency of credit or payment information in connection with a request by a consumer reporting agency as that term is defined under the federal Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.);

(viii) The disclosure by an agency of information in its records in connection with the agency's discharging or fulfilling of its duties and responsibilities, including, but not limited to, the collection of debts owed to the agency or individuals or entities whom the agency assists in the collection of debts owed to the individual or entity;

(ix) The disclosure of information necessary to comply with legal or regulatory requirements or for legitimate law enforcement purposes; or

(x) The disclosure of the date of birth within criminal records.

(C) Records and information disseminated pursuant to this paragraph may be used only by the authorized recipient and only for the authorized purpose. Any person who obtains records or information pursuant to the provisions of this paragraph and knowingly and willfully discloses, distributes, or sells such records or information to an unauthorized recipient or for an unauthorized purpose shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction thereof shall be punished as provided in Code Section 17-10-4. Any person injured thereby shall have a cause of action for invasion of privacy. ~~Any prosecution pursuant to this paragraph shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.~~

(D) In the event that the custodian of public records protected by this paragraph has good faith reason to believe that a pending request for such records has been made fraudulently, under false pretenses, or by means of false swearing, such custodian shall apply to the superior court of the county in which such records are maintained for a protective order limiting or prohibiting access to such records.

(E) This paragraph shall supplement and shall not supplant, overrule, replace, or otherwise modify or supersede any provision of statute, regulation, or law of the federal government or of this state as now or hereafter amended or enacted requiring, restricting, or prohibiting access to the information identified in subparagraph (A) of this paragraph and shall constitute only a regulation of the methods of such access where not otherwise provided for, restricted, or prohibited;

(21) Records concerning public employees that reveal the public employee's home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information other than compensation by a government agency, unlisted telephone number if so designated in a public record, and the identity of the public employee's immediate family members or dependents. This paragraph shall not apply to public records that do not specifically identify public employees or their jobs, titles, or offices. For the purposes of this paragraph, the term 'public employee' means any officer, employee, or former employee of:

(A) The State of Georgia or its agencies, departments, or commissions;

(B) Any county or municipality or its agencies, departments, or commissions;

(C) Other political subdivisions of this state;

(D) Teachers in public and charter schools and nonpublic schools; or

(E) Early care and education programs administered through the Department of Early Care and Learning;

(22) Records of the Department of Early Care and Learning that contain the:

(A) Names of children and day and month of each child's birth;

(B) Names, addresses, telephone numbers, or e-mail addresses of parents, immediate family members, and emergency contact persons; or

(C) Names or other identifying information of individuals who report violations to the department;

~~(12)~~(23) Public records containing information that would disclose or might lead to the disclosure of any component in the process used to execute or adopt an electronic signature, if such disclosure would or might cause the electronic signature to cease being under the sole control of the person using it. For purposes of this paragraph, the term 'electronic signature' has the same meaning as that term is defined in Code Section 10-12-2;

~~(13) Records that would reveal the home address or telephone number, social security number, or insurance or medical information of employees of the Department of Revenue, law enforcement officers, firefighters as defined in Code Section 25-4-2,~~

~~judges, emergency medical technicians and paramedics, scientists employed by the Division of Forensic Sciences of the Georgia Bureau of Investigation, correctional employees, and prosecutors or identification of immediate family members or dependents thereof;~~

~~(13.1) Records that reveal the home address, the home telephone number, the e-mail address, or the social security number of or insurance or medical information about public employees or teachers and employees of a public school. For the purposes of this paragraph, the term 'public school' means any school which is conducted within this state and which is under the authority and supervision of a duly elected county or independent board of education. Public disclosure shall also not be required for records that reveal the home address, the home telephone number, the e-mail address, or the social security number of or insurance or medical information about employees or teachers of a nonpublic school;~~

~~(13.2) Records that are kept by the probate court pertaining to guardianships and conservatorships except as provided in Code Section 29-9-18;~~

~~(14)~~(24) Records acquired ~~Acquired~~ by an agency for the purpose of establishing or implementing, or assisting in the establishment or implementation of, a carpooling or ridesharing program, ~~to the extent such records would reveal the name, home address, employment address, home telephone number, employment telephone number, or hours of employment of any individual or would otherwise identify any individual who is participating in, or who has expressed an interest in participating in, any such program. As used in this paragraph, the term 'carpooling or ridesharing program' means and includes~~ including, but ~~is~~ not limited to, the formation of carpools, vanpools, or buspools, the provision of transit routes, rideshare research, and the development of other demand management strategies such as variable working hours and telecommuting;

~~(15)~~(25)(A) Records~~,~~ the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, or public property, which shall be limited to the following:

(i) Security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect at the time of the request for disclosure or pertaining to a plan or assessment in effect at such time;

(ii) Any plan for protection against terrorist or other attacks~~, which plan~~ that depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details;

(iii) Any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks~~, which devices~~ that depend for their effectiveness in whole or in part upon a lack of general public knowledge;

(iv) Any plan, blueprint, or other material which if made public could compromise security against sabotage, criminal, or terroristic acts; and

(v) Records of any government sponsored programs concerning training relative to governmental security measures which would identify persons being trained or instructors or would reveal information described in divisions (i) through (iv) of this subparagraph.

(B) In the event of litigation challenging nondisclosure pursuant to this paragraph by an agency of a document covered by this paragraph, the court may review the documents in question in camera and may condition, in writing, any disclosure upon such measures as the court may find to be necessary to protect against endangerment of life, safety, or public property.

(C) As used in ~~divisions~~ division (i) ~~and (iv)~~ of subparagraph (A) of this paragraph, the term 'activity' means deployment or surveillance strategies, actions mandated by changes in the federal threat level, motorcades, contingency plans, proposed or alternative motorcade routes, executive and dignitary protection, planned responses to criminal or terrorist actions, after-action reports still in use, proposed or actual plans and responses to bioterrorism, and proposed or actual plans and responses to requesting and receiving the National Pharmacy Stockpile;

~~(16)~~(26) Unless the request is made by the accused in a criminal case or by his or her attorney, public records of an emergency 9-1-1 system, as defined in paragraph (3) of Code Section 46-5-122, containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point~~, which~~. Such information may be redacted from such records if necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation;

~~(17)~~(27) Records of athletic or recreational programs, available through the state or a political subdivision of the state, that include information identifying a child or children 12 years of age or under by name, address, telephone number, or emergency contact, unless such identifying information has been redacted;

~~(18)~~(28) Records of the State Road and Tollway Authority which would reveal the financial accounts or travel history of any individual who is a motorist upon ~~such~~ any toll project~~. Such financial records shall include but not be limited to social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information but shall not include the user's name~~;

~~(19)~~(29) Records maintained by public postsecondary educational institutions in this state and associated foundations of such institutions that contain personal information concerning donors or potential donors to such institutions or foundations; provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor or any entity in which such donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. As used in this paragraph, the term 'transact business' means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of

any third party as an agent, broker, dealer, or representative in an amount in excess of $10,000.00 in the aggregate in a calendar year; and the term 'substantial interest' means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity;

~~(20)~~(30) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other transit system that is connected to that system's TransCard, ~~or~~ SmartCard, or successor or similar system which would reveal the financial records or travel history of any individual who is a purchaser of a TransCard, ~~or~~ SmartCard, or successor or similar fare medium. Such financial records shall include, but not be limited to, social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information but shall not include the user's name;

~~(21)~~(31) Building mapping information produced and maintained pursuant to Article 10 of Chapter 3 of Title 38;

~~(22)~~(32) Notwithstanding the provisions of paragraph (4) of this subsection, any physical evidence or investigatory materials that are evidence of an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16~~, which~~ and are in the possession, custody, or control of law enforcement, prosecution, or regulatory agencies; ~~or~~

~~(23)~~(33) Records that are expressly exempt from public inspection pursuant to Code Sections 47-1-14 and 47-7-127~~.~~;

(34) Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10. If such entity attaches such an affidavit, before producing such records in response to a request under this article, the agency shall notify the entity of its intention to produce such records as set forth in this paragraph. If the agency makes a determination that the specifically identified information does not in fact constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to disclose the information within ten days unless prohibited from doing so by an appropriate court order. In the event the entity wishes to prevent disclosure of the requested records, the entity may file an action in superior court to obtain an order that the requested records are trade secrets exempt from disclosure. The entity filing such action shall serve the requestor with a copy of its court filing. If the agency makes a determination that the specifically identified information does constitute a trade secret, the agency shall withhold the records, and the requester may file an action in superior court to obtain an order that the requested records are not trade secrets and are subject to disclosure;

~~(b) This article shall not be applicable to:~~

~~(1)~~(35) Data ~~Any trade secrets obtained from a person or business entity which are of a privileged or confidential nature and required by law to be submitted to a government agency or to data~~, records, or information of a proprietary nature,

produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of, or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented;

~~(2)~~(36) Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of an institution of higher education or any public or private entity supporting or participating in the activities of an institution of higher education in the conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity, until such information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This ~~subsection applies~~ paragraph shall apply to, but ~~is~~ shall not be limited to, information provided by participants in research, research notes and data, discoveries, research projects, methodologies, protocols, and creative works; ~~or~~

(37) Any record that would not be subject to disclosure, or the disclosure of which would jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or its implementing regulations;

~~(3)~~(38) Unless otherwise provided by law, ~~contract, bid, or proposal,~~ records consisting of questions, scoring keys, and other materials~~,~~ constituting a test that derives value from being unknown to the test taker prior to administration~~,~~ which is to be administered by an agency, including, but not limited to, any public school, any unit of the Board of Regents of the University System of Georgia, any public technical school, the State Board of Education, the Office of Student Achievement, the Professional Standards Commission, or a local school system, if reasonable measures are taken by the owner of the test to protect security and confidentiality; provided, however, that the State Board of Education may establish procedures whereby a person may view, but not copy, such records if viewing will not, in the judgment of the board, affect the result of administration of such test. These limitations shall not be interpreted by any court of law to include or otherwise exempt from inspection the records of any athletic association or other nonprofit entity promoting intercollegiate athletics~~.~~;

~~(c)(1) All public records of hospital authorities shall be subject to this article except for those otherwise excepted by this article or any other provision of law.~~

~~(2)~~(39) Records disclosing ~~All state officers and employees shall have a privilege to refuse to disclose~~ the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity~~. Personally identifiable~~

~~information shall mean any information which if disclosed might reasonably reveal the identity of such person including but not limited to the person's name, address, and social security number. The identity of such informant shall not be admissible in evidence in any court of the state unless the court finds that the identity of the informant already has been disclosed otherwise.~~;

~~(d)~~(40) Any ~~This article shall not be applicable to any application submitted to or any~~ permanent records maintained by a judge of the probate court pursuant to Code Section 16-11-129, relating to weapons carry licenses, or pursuant to any other requirement for maintaining records relative to the possession of firearms~~. This subsection shall not preclude law enforcement agencies from obtaining~~, except to the extent that such records relating to licensing and possession of firearms are sought by law enforcement agencies as provided by law~~.~~;

~~(e) This article shall not be construed to repeal:~~

~~(1)~~(41) Records containing communications subject to the ~~The~~ attorney-client privilege recognized by state law ~~to the extent that a record pertains to the requesting or giving of legal advice or the disclosure of facts concerning or pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; provided, however, attorney-client information~~; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to the attorney-client privilege. Attorney-client communications, however, may be obtained in a proceeding under Code Section 50-18-73 to prove justification or lack thereof in refusing disclosure of documents under this Code section provided the judge of the court in which ~~said~~ such proceeding is pending shall first determine by an in camera examination that such disclosure would be relevant on that issue. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;

~~(2)~~(42) Confidential ~~The confidentiality of~~ attorney work product; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure

compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to confidentiality as attorney work product. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld; ~~or~~

~~(3)~~(43) Records containing ~~State laws making certain~~ tax matters or tax information that is confidential~~.~~ under state or federal law;

~~(f)(1) As used in this article, the term:~~

~~(A) 'Computer program' means a set of instructions, statements, or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.~~

~~(B) 'Computer software' means one or more computer programs, existing in any form, or any associated operational procedures, manuals, or other documentation.~~

~~(2)~~(44) Records consisting of ~~This article shall not be applicable to~~ any computer program or computer software used or maintained in the course of operation of a public office or agency; provided, however, that data generated, kept, or received by an agency shall be subject to inspection and copying as provided in this article;

(45) Records pertaining to the rating plans, rating systems, underwriting rules, surveys, inspections, statistical plans, or similar proprietary information used to provide or administer liability insurance or self-insurance coverage to any agency;

(46) Documents maintained by the Department of Economic Development pertaining to an economic development project until the economic development project is secured by binding commitment, provided that any such documents shall be disclosed upon proper request after a binding commitment has been secured or the project has been terminated. No later than five business days after the Department of Economic Development secures a binding commitment and the department has committed the use of state funds from the OneGeorgia Authority or funds from Regional Economic Business Assistance for the project pursuant to Code Section 50-8-8, or other provisions of law, the Department of Economic Development shall give notice that a binding commitment has been reached by posting on its website notice of the project in conjunction with a copy of the Department of Economic Development's records documenting the bidding commitment made in connection with the project and the negotiation relating thereto and by publishing notice of the project and participating parties in the legal organ of each county in which the economic development project is to be located. As used in this paragraph, the term 'economic development project' means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than $25 million by the business or the hiring of more than 50 employees by the business; or

(47) Records related to a training program operated under the authority of Article 3 of Chapter 4 of Title 20 disclosing an economic development project prior to a binding commitment having been secured, relating to job applicants, or identifying

proprietary hiring practices, training, skills, or other business methods and practices of a private entity. As used in this paragraph, the term 'economic development project' means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than $25 million by the business or the hiring of more than 50 employees by the business.

~~(g)~~(b) This Code section shall be interpreted narrowly so as to exclude from disclosure only that portion of a public record to which an exclusion is directly applicable. It shall be the duty of the agency having custody of a record to provide all other portions of a record for public inspection or copying.

~~(h) Within the three business days applicable to response to a request for access to records under this article, the public officer or agency having control of such record or records, if access to such record or records is denied in whole or in part, shall specify in writing the specific legal authority exempting such record or records from disclosure, by Code section, subsection, and paragraph. No addition to or amendment of such designation shall be permitted thereafter or in any proceeding to enforce the terms of this article; provided, however, that such designation may be amended or supplemented one time within five days of discovery of an error in such designation or within five days of the institution of an action to enforce this article, whichever is sooner; provided, further, that the right to amend or supplement based upon discovery of an error may be exercised on only one occasion. In the event that such designation includes provisions not relevant to the subject matter of the request, costs and reasonable attorney's fees may be awarded pursuant to Code Section 50-18-73.~~

(c)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court as evidence in a criminal or civil trial shall not be open to public inspection without approval of the judge assigned to the case.

(2) Except as provided in subsection (d) of this Code section, in the event inspection is not approved by the court, in lieu of inspection of such an exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the following:

(A) A photograph;

(B) A photocopy;

(C) A facsimile; or

(D) Another reproduction.

(3) The provisions of this article regarding fees for production of a record, including, but not limited to, subsections (c) and (d) of Code Section 50-18-71, shall apply to exhibits produced according to this subsection.

(d) Any physical evidence that is used as an exhibit in a criminal or civil trial to show or support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not be open to public inspection except by court order. If the judge approves inspection of such physical evidence, the judge shall designate, in writing, the facility owned or operated by an agency of the state or local government where such physical evidence may be inspected. If the judge permits inspection, such property or material shall not be photographed, copied, or reproduced by any means. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof,

shall be punished by imprisonment for not less than one nor more than 20 years, a fine of not more than $100,000.00, or both.

50-18-73.

(a) The superior courts of this state shall have jurisdiction in law and in equity to entertain actions against persons or agencies having custody of records open to the public under this article to enforce compliance with the provisions of this article. Such actions may be brought by any person, firm, corporation, or other entity. In addition, the Attorney General shall have authority to bring such actions~~, either civil or criminal,~~ in his or her discretion as may be appropriate to enforce compliance with this article and to seek either civil or criminal penalties or both.

(b) In any action brought to enforce the provisions of this chapter in which the court determines that either party acted without substantial justification either in not complying with this chapter or in instituting the litigation, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought.

(c) Any agency or person who provides access to information in good faith reliance on the requirements of this chapter shall not be liable in any action on account of ~~having provided access to such information~~ such decision.

50-18-74.

(a) Any person or entity knowingly and willfully violating the provisions of this article by failing or refusing to provide access to records not subject to exemption from this article, ~~or~~ by knowingly and willingly failing or refusing to provide access to such records within the time limits set forth in this article, or by knowingly and willingly frustrating or attempting to frustrate the access to records by intentionally making records difficult to obtain or review shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 for the first violation. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this article against any person who negligently violates the terms of this article in an amount not to exceed ~~$100.00~~ $1,000.00 for the first violation. A civil penalty or criminal fine not to exceed $2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date the first penalty or fine was imposed. It shall be a defense to any criminal action under this Code section that a person has acted in good faith in his or her actions. In addition, persons or entities that destroy records for the purpose of preventing their disclosure under this article may be subject to prosecution under Code Section 45-11-1.

(b) A prosecution under this Code section may only be commenced by issuance of a citation in the same manner as an arrest warrant for a peace officer pursuant to Code Section 17-4-40~~, which~~; such citation shall be personally served upon the accused. The

defendant shall not be arrested prior to the time of trial, except that a defendant who fails to appear for arraignment or trial may thereafter be arrested pursuant to a bench warrant and required to post a bond for his or her future appearance.

50-18-75.
Communications between the Office of Legislative Counsel and the following persons shall be privileged and confidential: members of the General Assembly, the Lieutenant Governor, and persons acting on behalf of such public officers; and such communications, and records and work product relating to such communications, shall not be subject to inspection or disclosure under this article or any other law or under judicial process; provided, however, that this privilege shall not apply where it is waived by the affected public officer or officers. The privilege established under this Code section is in addition to any other constitutional, statutory, or common law privilege.

50-18-76.
No form, document, or other written matter which is required by law or rule or regulation to be filed as a vital record under the provisions of Chapter 10 of Title 31, which contains information which is exempt from disclosure under Code Section 31-10-25, and which is temporarily kept or maintained in any file or with any other documents in the office of the judge or clerk of any court prior to filing with the Department of Public Health shall be open to inspection by the general public, even though the other papers or documents in such file may be open to inspection.

50-18-77.
The procedures and fees provided for in this article shall not apply to public records, including records that are exempt from disclosure pursuant to Code Section 50-18-72, which are requested in writing by a state or federal grand jury, taxing authority, law enforcement agency, or prosecuting attorney in conjunction with an ongoing administrative, criminal, or tax investigation. The lawful custodian shall provide copies of such records to the requesting agency unless such records are privileged or disclosure to such agencies is specifically restricted by law."

SECTION 3.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (c) of Code Section 15-12-11, relating to appointment of court personnel in certain counties, juror questionnaires, and construction with other laws, as follows:

"(c) Juror questionnaires shall be confidential and shall be exempt from public disclosure pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50; provided, however, that jury questionnaires shall be provided to the court and to the parties at any stage of the proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall be made a part of the record under seal. The

information disclosed to a party pursuant to this subsection shall only be used by the parties for purposes of pursuing a claim, defense, or other issue in the case."

SECTION 4.

Said title is further amended by revising paragraph (10) of subsection (a) of Code Section 15-16-10 of the Official Code of Georgia Annotated, relating to duties of sheriffs, as follows:

"(10) To develop and implement a comprehensive plan for the security of the county courthouse and any courthouse annex. Prior to the implementation of any security plan, the plan shall be submitted to the chief judge of the superior court of the circuit wherein the courthouse or courthouse annex is located for review. The chief judge shall have 30 days to review the original or any subsequent security plan. The chief judge may make modifications to the original or any subsequent security plan. The sheriff shall provide to the county governing authority the estimated cost of any security plan and a schedule for implementation 30 days prior to adoption of any security plan. A comprehensive plan for courthouse security shall be considered a confidential matter of public security. Review of a proposed security plan by the governing authority shall be excluded from the requirements of Code Section 50-14-1 ~~and any such review shall take place as provided in Code Section 50-14-3~~. Such security plan shall also be excluded from public disclosure pursuant to paragraph ~~(15)~~ (25) of subsection (a) of Code Section 50-18-72. The sheriff shall be the official custodian of the comprehensive courthouse security plan and shall determine who has access to such plan and any such access and review shall occur in the sheriff's office or at a meeting of the county governing authority held as provided in paragraph ~~(9)~~ (4) of subsection (b) of Code Section 50-14-3; provided, however, that the sheriff shall make the original security plan available upon request for temporary, exclusive review by any judge whose courtroom or chambers is located within the courthouse or courthouse annex or by any commissioner of the county in which the courthouse or courthouse annex is located. The sheriff shall be responsible to conduct a formal review of the security plan not less than every four years."

SECTION 5.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising paragraph (2) of subsection (a) of Code Section 20-2-55, relating to per diem, insurance, and expenses of local board members, as follows:

"(2) In any local school system for which no local Act is passed, members of the local board of education shall, when approved by the local board affected, receive a per diem of $50.00 for each day of attendance at a meeting, as defined in paragraph ~~(2)~~ (3) of subsection (a) of Code Section 50-14-1, of the board, plus reimbursement for actual expenses necessarily incurred in connection therewith; provided, however, that in any independent school system with a full-time equivalent (FTE) program count of less than 4,000 students for which no local Act is passed, members of the local board of education may, when approved by the affected local board, receive a

per diem of not less than $50.00 and not more than $100.00 for each day of attendance at a meeting, as defined in paragraph ~~(2)~~ (3) of subsection (a) of Code Section 50-14-1, of the board, plus reimbursement for actual expenses. The accounts for such service and expenses shall be submitted for approval to the local school superintendent. In all school districts, the compensation of members of local boards shall be paid only from the local tax funds available to local boards for educational purposes. This paragraph shall apply only to local board of education members elected or appointed on or after July 1, 2010."

SECTION 6.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising subsection (b) of Code Section 31-7-402, relating to content and form of notice to Attorney General, retention of experts, and payment of costs and expenses, as follows:

"(b) The Attorney General may prescribe a form of notice to be utilized by the seller or lessor and the acquiring entity and may require information in addition to that specified in this article if the disclosure of such information is determined by the Attorney General to be in the public interest. The notice to the Attorney General required by this article and all documents related thereto shall be considered public records pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 31-7-405, relating to public hearing, expert or consultant required to testify, testimony, and representative of acquiring entity to testify, as follows:

"(a) Within 60 days after receipt of the notice under this article, the Attorney General shall conduct a public hearing regarding the proposed transaction in the county in which the main campus of the hospital is located. At such hearing, the Attorney General shall provide an opportunity for those persons in favor of the transaction, those persons opposed to the transaction, and other interested persons to be heard. The Attorney General shall also receive written comments regarding the transaction from any interested person, and such written comments shall be considered public records pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 8.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising subsection (c) of Code Section 33-2-8.1, relating to purpose of Code section, preparation by Commissioner of supplemental report on property and casualty insurance, contents of report, and request for information, as follows:

"(c) The Commissioner shall investigate every licensed property and casualty insurer that is designated by the National Association of Insurance Commissioners as needing immediate or targeted regulatory attention and shall include in his report the number of such insurers which his investigation confirms are in need of immediate or targeted regulatory attention and the names of such insurers which are in formal rehabilitation,

liquidation, or conservatorship. The Commissioner shall obtain from the National Association of Insurance Commissioners the necessary information to implement this subsection and, notwithstanding the provisions of ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50, shall withhold from public inspection any such information received from the National Association of Insurance Commissioners under an expectation of confidentiality."

SECTION 9.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising subsection (d) of Code Section 36-76-6, relating to franchise fees, as follows:

"(d) The statements made pursuant to subsection (b) of this Code section and any records or information furnished or disclosed by a cable service provider or video service provider to an affected local governing authority pursuant to subsection (c) of this Code section shall be exempt from public inspection under ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 10.

Code Section 38-3-152 of the Official Code of Georgia Annotated, relating to creation and operation of building mapping information system, availability to government agencies, rules and regulations, federal funding sources, exemption of information from public disclosure, recommendations for training guidelines, and limitations, is amended by revising subsection (f) as follows:

"(f) Information provided to the agency under this article shall be exempt from public disclosure to the extent provided in paragraph ~~(21)~~ (31) of subsection (a) of Code Section 50-18-72."

SECTION 11

Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information on licensees and furnishing of information, is amended by revising subsection (b) as follows:

"(b) The records maintained by the department on individual drivers are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that initial arrest reports, incident reports, and the records pertaining to investigations or prosecutions of criminal or unlawful activity shall be subject to disclosure pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72 and related provisions. Georgia Uniform Motor Vehicle Accident Reports shall be subject to disclosure pursuant to paragraph ~~(4.1)~~ (5) of subsection (a) of Code Section 50-18-72. The department shall not make records or personal information available on any driver except as otherwise provided in this Code section or as otherwise specifically required by 18 U.S.C. Section 2721."

SECTION 12.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising paragraph (4) of Code Section 43-34-7, relating to maintenance of roster by Georgia Composite Medical Board and confidentiality, as follows:

"(4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes; provided, however, that such deliberations may be released only to another state or federal enforcement agency or lawful licensing authority. Releasing the documents pursuant to this paragraph shall not subject any otherwise privileged documents to the provisions of ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 13.

Code Section 45-6-6 of the Official Code of Georgia Annotated, relating to office property kept by officers subject to inspection by citizens, is amended by revising such Code section as follows:

"45-6-6.

All books, papers, and other office property kept by any public officer under the laws of this state ~~shall be subject to the inspection of all the citizens of this state within office hours every day except Sundays and holidays~~ may be copied or inspected subject to the requirements of Article 4 of Chapter 18 of Title 50."

SECTION 14.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities, is amended by revising paragraph (13) of subsection (b) of Code Section 46-5-1, relating to exercise of power of eminent domain by telephone and telegraph companies; placement of posts and other fixtures; regulation of construction of fixtures, posts, and wires near railroad tracks; liability of telegraph and telephone companies for damages; required information; and due compensation, as follows:

"(13) The information provided pursuant to paragraph (1) of this subsection and any records or information furnished or disclosed by a telegraph or telephone company to an affected municipal authority pursuant to paragraph (12) of this subsection shall be exempt from public inspection under ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50. It shall be the duty of such telegraph or telephone company to mark all such documents as exempt from ~~Code Section 50-18-70, et seq.~~ Article 4 of Chapter 18 of Title 50, and the telegraph or telephone company shall defend, indemnify, and hold harmless any municipal authority and any municipal officer or employee in any request for, or in any action seeking, access to such records."

SECTION 15.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising subsection (b) of Code Section 50-1-5, relating to meetings by teleconference or other similar means, as follows:

"(b) Nothing in this Code section shall eliminate any otherwise applicable requirement for giving notice of any meeting. Likewise, nothing in this Code section shall create a requirement for giving notice of any meeting where it does not otherwise exist. The notice shall list each location where any member of the board, body, or committee plans to participate in the meeting if the meeting is otherwise open to the public; provided, however, it shall not be grounds to contest any actions of the board, body, or committee as provided in Code Section 50-14-1 if a member participates from a location other than the location listed in the notice. At a minimum, the notice shall list one specific location where the public can participate in the meeting if the meeting is otherwise open to the public. The notice shall further conform with the notice provisions of ~~'due notice' as provided in~~ Code Section 50-14-1. Any meeting which is otherwise required by law to be open to the public shall be open to the public at each location listed in the notice or where any member of the board, body, or committee participates in the meeting."

SECTION 16.

Said title is further amended by revising subsection (c) of Code Section 50-17-22, relating to the State Financing and Investment Commission, as follows:

"(c) **Meetings.** The commission shall hold regular meetings as it deems necessary, but, in any event, not less than one meeting shall be held in each calendar quarter. The commission shall meet at the call of the chairperson, vice chairperson, or secretary and treasurer or a majority of the members of the commission. Meetings of the commission shall be subject to Chapter 14 of this title, and its records shall be subject to ~~Code Sections 50-18-70 and 50-18-71~~ Article 4 of Chapter 18 of Title 50. The commission shall approve the issuance of public debt, as hereinafter provided, adopt and amend bylaws, and establish salaries and wages of employees of the commission only upon the affirmative vote of a majority of its members; all other actions of the commission may be taken upon the affirmative vote of a majority of a quorum present. A quorum shall consist of a majority of the members of the commission. If any vote is less than unanimous, the vote shall be recorded in the minutes of the commission."

SECTION 17.

Said title is further amended by revising subsection (a) of Code Section 50-29-2, relating to authority of public agencies that maintain geographic information systems to contract for the provision of services, fees, and contract provisions, as follows:

"(a) Notwithstanding ~~subsection (f) of Code Section 50-18-71 or Code Section 50-18-71.2~~ the provisions of Article 4 of Chapter 18 of Title 50, a county or municipality of the State of Georgia, a regional commission, or a local authority created by local or general law that has created or maintains a geographic information system in electronic form may contract to distribute, sell, provide access to, or otherwise market records or

information maintained in such system and may license or establish fees for providing such records or information or providing access to such system."

SECTION 18.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and the provisions of paragraph (47) of subsection (a) of Code Section 50-18-72 as enacted by this Act shall apply to any request for public records made prior to the effective date of this Act. Agencies shall be permitted to assert the provisions of paragraph (47) of subsection (a) of Code Section 50-18-72 as enacted by this Act as a basis for withholding documents covered by that paragraph in any pending or subsequently filed litigation regarding a request that occurred prior to the effective date of this Act.

SECTION 19.

All laws and parts of laws in conflict with this Act are repealed.

Representative Powell of the 171st moved that the House agree to the Senate substitute to HB 397.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	N Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard

Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 169, nays 1.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 203. By Senators Bethel of the 54th, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 23 of Title 33 of the Official Code of Annotated, relating to licensing of agents, agencies, subagents, counselors, and adjusters, so as to provide that certain individuals who collect and input data into an automated claims adjudication system are exempt from licensure; to provide for definitions; to change certain resident independent adjuster license requirements; to add certain nonresident independent adjuster license requirements; to provided for related matters; to repeal conflicting laws; and for other purposes.

Representative Shaw of the 176th moved that the House adhere to its position in insisting on its substitute to SB 203 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Shaw of the 176th, Meadows of the 5th and Smith of the 131st.

HB 732. By Representatives McBrayer of the 153rd, Yates of the 73rd, Collins of the 27th, Rice of the 51st, Setzler of the 35th and others:

A BILL to be entitled an Act to amend Code Section 40-2-84 of the Official Code of Georgia Annotated, relating to the issuance of license plates to veterans awarded Purple Hearts, so as to include persons still serving in the

armed services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House committee substitute to HB 732 (LC 35 2616S) by inserting after "awareness;" *on line 12 the following:*
to provide for a special license plate to promote lung cancer awareness, research, and treatment of lung cancer; to provide for a special license plate for supporting nurses in Georgia and the nursing profession;

By replacing "a new paragraph" *with* "three new paragraphs" *on lines 228 and 229.*

By deleting the quotation mark at the end of line 247 and inserting between lines 247 and 248 the following:

(11) A special license plate to support lung cancer related awareness and research programs. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Joan Gaeta Lung Cancer Fund to fund lung cancer awareness, screening, research, and treatment related programs.

(12) A special license plate to support Georgia nurses and charitable and philanthropic efforts to support, advance, and promote the nursing profession. The funds raised by the sale of this special license plate shall be disbursed as provided in paragraph (1) of this subsection to the Georgia Nurses Foundation of the Georgia Nurses Association for carrying out such programs and purposes."

Representative McBrayer of the 153rd moved that the House agree to the Senate amendment to HB 732.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Bell	Y Dukes	Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R

Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 246. By Senator Hill of the 4th:

A BILL to be entitled an Act to amend Chapter 4 of Title 47 of the Official Code of Georgia Annotated, relating to the Public School Employees Retirement System, so as to provide for an increase in the employee contribution; to provide for an increase in the retirement benefit; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Representative Hembree of the 67th moved that the following Bill of the Senate be recommitted to the Committee on Rules:

SB 469. By Senators Balfour of the 9th, Hamrick of the 30th, Cowsert of the 46th and Tolleson of the 20th:

A BILL to be entitled an Act to amend Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor organizations and labor relations, so as to provide that certain provisions prohibiting mass picketing shall apply to certain private residences; to provide for an action to enjoin unlawful mass picketing; to provide for punishment and penalties; to provide for injunctive relief; to provide for public policy concerning refusal or decision to withdraw from a labor union or employee organization; to amend Code Section 16-7-21, relating to criminal trespass, so as to provide for both criminal trespass and criminal conspiracy; to provide for punishment and fines; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 954. By Representatives McKillip of the 115th, Collins of the 27th, England of the 108th, Hamilton of the 23rd, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to change certain provisions relating to criminal abortion; to change certain provisions relating to when abortion is legal; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to define certain terms; to require a determination of gestational age prior to abortion; to provide for certain reporting requirements with respect to performance of abortions; to state legislative findings; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

Representative McKillip of the 115th moved that the House insist on its position in disagreeing to the Senate substitute to HB 954 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives McKillip of the 115th, Sheldon of the 105th and Collins of the 27th.

The Speaker announced the House in recess until 7:15 o'clock, this evening.

The Speaker called the House to order.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate insists on its substitute to the following bill of the House:

HB 851. By Representatives Rice of the 51st, Powell of the 29th and Sheldon of the 105th:

A BILL to be entitled an Act to amend Code Section 48-6-73 of the Official Code of Georgia Annotated, relating to reports and distributions regarding the taxation of intangibles, so as to change certain requirements regarding the rates to be charged by collecting officers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 347. By Representatives Hembree of the 67th, Meadows of the 5th, Lindsey of the 54th, Maxwell of the 17th, Murphy of the 120th and others:

A BILL to be entitled an Act to amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hooks of the 14th, Chance of the 16th, and Bethel of the 54th.

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 431. By Senators Hill of the 32nd and Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to add medical identity fraud to the provisions relating to identity fraud; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 414. By Senators Unterman of the 45th, Albers of the 56th and Millar of the 40th:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to require licensure of music therapists by the Secretary of State; to provide for definitions; to provide for establishment, appointment, and membership of the music therapy advisory group; to provide for licensure application and qualifications; to provide for license renewal; to provide for waiver of examination; to provide for disciplinary actions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1067. By Representatives Rogers of the 26th, Smith of the 131st and Lindsey of the 54th:

A BILL to be entitled an Act to amend Code Section 33-23-12 of the Official Code of Georgia Annotated, relating to the limited licenses for insurance agents, agencies, subagents, counselors, and adjustors, so as to provide for the comprehensive revision of provisions regarding the issuance and regulation of limited licenses to sell portable electronics insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 92. By Senators McKoon of the 29th, Williams of the 19th, Bethel of the 54th, Staton of the 18th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for

procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 2174. By Representatives Beasley-Teague of the 65th, Scott of the 76th, Kendrick of the 94th, Dawkins-Haigler of the 93rd and Stephenson of the 92nd:

A RESOLUTION recognizing and commending First Lady Sandra Deal; and for other purposes.

HR 2175. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Ms. Tracye D. Bryant; and for other purposes.

HR 2176. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Dr. Babs Olusegun Onabanjo; and for other purposes.

HR 2177. By Representatives Smyre of the 132nd, Ralston of the 7th, Hugley of the 133rd, Smith of the 131st, Smith of the 129th and others:

A RESOLUTION recognizing and commending Major General Robert Brown; and for other purposes.

HR 2178. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Mrs. Mattie Wilcox Ivy on the occasion of her 104th birthday; and for other purposes.

HR 2179. By Representative Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending The Stewart Foundation and President Hank Stewart; and for other purposes.

HR 2180. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Lamar Gibson; and for other purposes.

HR 2181. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Miss Joel Francis Hansford; and for other purposes.

HR 2182. By Representatives Hatfield of the 177th, Ralston of the 7th, Hanner of the 148th, Smith of the 168th, Sims of the 169th and others:

A RESOLUTION honoring the life and memory of Honorable Harry D. Dixon, Sr.; and for other purposes.

HR 2183. By Representative Kaiser of the 59th:

A RESOLUTION honoring the life and memory of Reverend Charlie James Maddox, Sr.; and for other purposes.

HR 2184. By Representative Kaiser of the 59th:

A RESOLUTION honoring the life and memory of Ms. Lillie Mae Parks; and for other purposes.

HR 2185. By Representative Golick of the 34th:

A RESOLUTION recognizing and commending Mr. Mike McNabb for his service to the City of Smyrna; and for other purposes.

HR 2186. By Representative Kidd of the 141st:

A RESOLUTION recognizing and congratulating Mr. Bradford R. Borum and Ms. Shannon Leigh Wallace on the occasion of their marriage; and for other purposes.

Representative Meadows of the 5th District, Chairman of the Committee on Rules, submitted the following report:

Mr. Speaker:

Your Committee on Rules has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1977 Do Pass

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The following Bills and Resolution of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

Representative Knight of the 126th moved that the House insist on its position in disagreeing to the Senate amendment to HB 875 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Knight of the 126th, McCall of the 30th and Wilkinson of the 52nd.

HR 1150. By Representatives Coleman of the 97th, England of the 108th, Dickson of the 6th, Kaiser of the 59th, Abrams of the 84th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Senate substitute was read:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and an independent school district located in such county with more than 3,000 full-time equivalent students; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI, Paragraph IV of the Constitution is amended by revising subparagraph (g) as follows:

"(g) The net proceeds of the tax shall be distributed between the county school district and the independent school districts, or portion thereof, located in such county according to the ratio the student enrollment in each school district, or portion thereof, bears to the total student enrollment of all school districts in the county or, for independent school districts with less than 3,000 full-time equivalent students, upon such other formula for distribution as may be ~~authorized by local law~~ agreed upon by all participating districts. Any law implementing this subparagraph shall not be considered a population Act. For purposes of this subparagraph, student enrollment shall be based on the latest ~~FTE~~ full-time equivalent count prior to the referendum on imposing the tax."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES Shall the Constitution of Georgia be amended to assure that any one cent sales and use tax for educational purposes is distributed equally to a
( ) NO school system on a per student basis for certain school systems?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The following amendment was read and adopted:

Representatives Coleman of the 97th, Maxwell of the 17th, and Dickson of the 6th offer the following amendment:

Amend the Senate Finance Committee substitute to HR 1150 (LC 34 3523S) by replacing lines 1 through 30 with the following:

Proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI, Paragraph IV of the Constitution is amended by revising subparagraph (g) as follows:

"(g) The net proceeds of the tax shall be distributed between the county school district and the independent school districts, or portion thereof, located in such county according to the ratio the student enrollment in each school district, or portion thereof, bears to the total student enrollment of all school districts in the county ~~or upon such other formula for distribution as may be authorized by local law~~. For purposes of this subparagraph, student enrollment shall be based on the latest ~~FTE~~ full-time equivalent count prior to the referendum on imposing the tax."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES Shall the Constitution of Georgia be amended to assure that any one cent sales and use tax for educational purposes is distributed equally to a
( ) NO school system on a per student basis?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

Representative Coleman of the 97th moved that the House agree to the Senate substitute, as amended by the House, to HR 1150.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw

Y Allison	Y Dempsey	Y Henson	Y McCall	E Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	N Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	N Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
N Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 163, nays 3.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 896. By Representatives Coleman of the 97th, Casas of the 103rd, Dudgeon of the 24th, Dickson of the 6th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, so as to change certain provisions regarding distribution of the sales tax for educational purposes; to provide for related matters; to provide for contingent effectiveness; to provide for automatic

repeal under certain conditions; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, so as to change certain provisions regarding distribution of the sales tax for educational purposes; to provide for related matters; to provide for contingent effectiveness; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, is amended by revising Code Section 48-8-143, relating to distribution of sales tax for educational purposes, as follows:

"48-8-143.

The net proceeds of the sales tax for educational purposes shall be distributed in the manner provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution unless <u>for independent school systems with less than 3,000 full-time equivalent students,</u> another distribution formula is provided for by the ~~enactment of a local Act~~ <u>agreement of all participating parties</u>. Any such ~~local Act~~ <u>agreement</u> providing for an alternate distribution formula shall not be amended during the time period for which the tax was imposed."

SECTION 2.

(a) This Act shall become effective on January 1, 2013, only if a Constitutional amendment is ratified at the November, 2012, general election providing that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and an independent school district located in such county which has less than 3,000 full-time equivalent students.

(b) If such an amendment to the Constitution is not so ratified, then this Act shall not become effective and shall stand repealed by operation of law on January 1, 2013.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Coleman of the 97th, England of the 108th, and Dickson of the 6th offer the following amendment:

Amend the Senate Finance Committee substitute to HB 896 (LC 34 3524S) by replacing lines 1 through 27 with the following:

To amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, so as to change certain provisions regarding distribution of the sales tax for educational purposes; to provide for related matters; to provide for contingent effectiveness; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, is amended by revising Code Section 48-8-143, relating to distribution of sales tax for educational purposes, as follows:

"48-8-143.

The net proceeds of the sales tax for educational purposes shall be distributed in the manner provided under Article VIII, Section VI, Paragraph IV(g) of the Constitution ~~unless another distribution formula is provided for by the enactment of a local Act. Any such local Act providing for an alternate distribution formula shall not be amended during the time period for which the tax was imposed~~."

SECTION 2.

(a) This Act shall become effective on January 1, 2013, only if a Constitutional amendment is ratified at the November, 2012, general election providing that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county.

(b) If such an amendment to the Constitution is not so ratified, then this Act shall not become effective and shall stand repealed by operation of law on January 1, 2013.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Coleman of the 97th moved that the House agree to the Senate substitute, as amended by the House, to HB 896.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	E Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
N Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 168, nays 2.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors

on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House Committee on Judiciary substitute to SB 234 (LC 25 6064ERS) by inserting "to change provisions relating to rate of interest on past due taxes and the penalty on delinquent tax payments in certain counties;" *after* "appeal;" *on line 3.*

By inserting after "executions;" *on line 4 the following:*
to eliminate the ability to transfer tax executions to third parties after the effective date of this Act;

By deleting "to provide for property tax review boards;" *from line 10*.

By inserting between lines 27 and 28 the following:
amended by revising Code Section 48-2-40, relating to the rate of interest on past due taxes, as follows:

"48-2-40.

Except as otherwise expressly provided by law, taxes owed the state or any local taxing jurisdiction shall bear interest at the rate of ~~1~~ .05 percent per month from the date the tax is due until the date the tax is paid. For the purposes of this Code section, any period of less than one month shall be considered to be one month. This Code section shall also apply to alcoholic beverage taxes."

SECTION 1A.

Said title is further

By replacing lines 80 and 88 with the following:

(A) First-class ~~first-class~~ mail and certified mail; or

By replacing "first class" *with* "first-class" *on line 113*.

By deleting the quotation mark at the end of line 133 and inserting between lines 133 and 134 the following:

(j) On and after the effective date of this Code section, no tax execution shall be transferred pursuant to this Code section."

By inserting between lines 162 and 163 the following:

SECTION 3A.

Said title is further amended by revising subsection (b), subparagraph (c)(1)(B), and subsections (d) and (e) of Code Section 48-5-24, relating to the payment of taxes to the county in which returns are made, installment payments, interest, and penalties on delinquent tax payments in certain counties, as follows:

"(b) In all counties having a population of not less than 625,000 nor more than 700,000 according to the United States decennial census of 2000 or any future such census, the taxes shall become due in two equal installments. One-half of the taxes shall be due and payable on July 1 of each year and shall become delinquent if not paid by August 15 ~~in~~ of each year. The remaining one-half of the taxes shall be due and payable on October 1 of each year and shall become delinquent if not paid by November 15 of each year. A penalty not to exceed ~~5~~ 2.5 percent of the amount of each installment shall be added to each installment that is not paid before the installment becomes delinquent. Intangible taxes in one installment shall become due on October 1 of each year and shall become delinquent if not paid by December 31. A penalty not to exceed ~~5~~ 2.5 percent of the amount of intangible taxes due shall be added to any installment that is not paid before it becomes delinquent. All taxes remaining unpaid as of the close of business on December 31 of each year shall bear interest at the rate specified in Code Section 48-2-40, but in no event shall an interest payment for delinquent taxes be less than $1.00. The tax collectors shall issue executions for delinquent taxes, penalties, and interest against each delinquent taxpayer in their respective counties. Notwithstanding the foregoing, the governing authority of any county subject to this subsection may change the tax due dates provided in this subsection if the county's tax digest is not approved pursuant to Code Section 48-5-271 before July 1 of any year."

"(B) An additional rate of interest on the amount of such taxes, fees, service charges, and assessments which exceeds $1,000.00 equal to ~~1~~ .05 percent per annum for each full calendar month which elapses between the date that the taxes, fees, service charges, and assessments first become due and the date on which they are paid in full. The total rate of interest determined under this paragraph shall not exceed ~~12~~ 6 percent per annum or the rate specified in Code Section 48-2-40, whichever is more. The additional rate of interest shall not apply to amounts determined to be owed by a taxpayer pursuant to any arbitration, equalization, or similar proceeding, if brought in good faith by the taxpayer, provided that the taxpayer shall have previously paid to the county or municipality the amount of such liability which was not in dispute;"

"(d) In all counties having a population of not less than 150,000 nor more than 180,000 or not less than 183,000 nor more than 216,000 or not less than 218,000 nor more than 445,000 according to the United States decennial census of 1990 or any future such census, a penalty of ~~10~~ 5 percent of the tax due shall accrue on taxes not paid on or before December 20 of each year, and interest shall accrue at the rate specified in Code Section 48-2-40 on the total amount of unpaid taxes and penalty until both the taxes and

penalty are paid. The tax collectors shall issue executions for such taxes, penalty, and interest against each delinquent taxpayer in their respective counties. The ~~10~~ 5 percent penalty shall be paid over to the county fiscal authority to assist the county in paying the expense of collecting the delinquent taxes.

~~(c) In all counties having a population of not less than 595,000 nor more than 660,000 according to the United States decennial census of 2000 or any future such census, the taxes shall become due and payable on August 15 in each year and shall become delinquent if not paid by October 15 of each year. A penalty of 5 percent of the tax due shall accrue on taxes not paid on or before October 15 of each year, and interest shall accrue at the rate specified in Code Section 48-2-40 on the total amount of unpaid taxes and penalty until both the taxes and the penalty are paid. The tax collectors shall issue executions for delinquent taxes, penalties, and interest against each delinquent taxpayer in their respective counties. Nothing contained in this subsection shall be construed to impose any liability for the payment of any ad valorem taxes upon any person for property which was not owned on January 1 of the applicable tax year.~~"

By deleting lines 224 through 266 and inserting in lieu thereof:

Reserved.

By replacing lines 591 through 597 with the following:

board of tax assessors. ~~If the taxpayer is dissatisfied with such changes or corrections, the taxpayer shall, within 30 days of the date of mailing of the change notice, institute an appeal to the county board of tax assessors by e-mailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax assessors a written notice of appeal. The county board of tax assessors shall send or deliver the notice of appeal and all necessary papers to the county board of equalization.~~

By inserting after line 635 the following:

(D) With regard to subparagraphs (A), (B), and (C) of this paragraph, in any year in which a taxpayer receives a property tax assessment increase of more than 10 percent per year, upon an annual basis, the county board of tax assessors shall make its determination and notify the taxpayer within 90 days after receipt of the taxpayer's notice of appeal. If the county board of tax assessors fails to respond to the taxpayer within such 90 day period during such year, the appeal shall be automatically referred to the county board of equalization with written notice to the taxpayer, except as otherwise provided in this paragraph.

By replacing "occured" *with* "occurred" *on line 699.*

By replacing line 707 with the following:

question. Such deduction shall be refunded to ~~the taxpayer~~ the entity or

By replacing lines 918 and 919 with the following:

overnight delivery not less than ~~ten~~ 30 days before the hearing. Such written notice shall advise each party that documents or other written evidence and a final submitted value to be presented at the

By replacing lines 1185 through 1207 with the following:

tax commissioner by the county. A tax commissioner shall be specifically prohibited from contracting directly with a municipality and accepting, receiving, or retaining compensation from the municipality for such additional duties and responsibilities; provided, however, that he or she may be additionally compensated by the county for such additional duties and responsibilities.

(2) No contract between a municipality and a tax commissioner which was entered into under this Code section prior to the effective date of this Code section and which provides in any manner for such tax commissioner to be compensated directly and personally for rendering any service in his or her official capacity for such municipality shall be in any way renewed or extended. Such contract shall remain in force and effect only until the expiration date specified in such contract, without any automatic renewal being able to occur.

(3) No contract between a municipality and a tax commissioner shall be entered into under this Code section on or after the effective date of this Code section.

(b) Any contract, extension, or renewal which violates any provision of this Code section shall be deemed contrary to public policy and shall be unenforceable.

~~(b)~~(c) With respect to any county for which the office of tax commissioner has not been created, any reference in subsection (a) of this Code section to the tax commissioner shall be deemed to refer to the tax receiver and the tax collector."

By replacing "2012" *with* "2013" *on line 1278*.

Representative Willard of the 49th moved that the House disagree to the Senate amendment to the House substitute to SB 234.

The motion prevailed.

HB 175. By Representatives Casas of the 103rd, Harrell of the 106th, Davis of the 109th, Brockway of the 101st, Nix of the 69th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," so as to enact the "Online Clearinghouse Act"; to create a clearinghouse through which local school systems may offer their computer-based courses to students of other local school systems; to provide for definitions; to provide for procedures and requirements for offering a course through the clearinghouse;

to provide for enrollment in virtual courses offered through the clearinghouse; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," so as to provide various additional academic and extracurricular options for students; to enact the "Online Clearinghouse Act"; to create a clearinghouse through which local school systems and charter schools may offer their computer-based courses to students in other local school systems and charter schools; to provide for definitions; to provide for procedures and requirements for offering a course through the clearinghouse; to provide for enrollment in virtual courses offered through the clearinghouse; to provide for course fees and payment; to provide for assignment of grades; to provide for offering of courses as dual enrollment and to nonpublic school students; to provide for rules and regulations; to provide for statutory construction; to enact the "Rachel Sackett Act"; to authorize public school students to participate in extracurricular activities at other public schools in their attendance zone; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," is amended by adding new Code sections to read as follows:

"20-2-319.3.

(a) This Code section shall be known and may be cited as the 'Online Clearinghouse Act.'

(b) As used in this Code section, the term:

(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code Section 20-2-2081.

(2) 'Clearinghouse' means the clearinghouse established pursuant to subsection (b) of this Code section.

(3) 'One credit' and 'half-credit' mean the customary academic unit of credit granted for secondary school courses in this state.

(4) 'Student's school system' means the local school system operating the school in which the student is lawfully enrolled.

(c)(1) The department shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by local school systems and charter schools for sharing with other local school systems and charter schools for the fee set pursuant to subsection (e) of this Code section. The department shall review the content of each course prior to including it in the clearinghouse to ensure that it meets state curriculum standards. The department is authorized to approve courses for inclusion in the clearinghouse if the content meets state curriculum standards, the applicant meets all technical requirements, and the course is delivered by a highly qualified teacher who exhibits exceptional teaching skills and methodology as certified by the local school system or charter school, which teacher's credentials and skills shall be subject to review and approval by the department.

(2) To offer a course through the clearinghouse, a local school system or charter school shall apply to the department in a form and manner prescribed by the department. The application for each course shall describe the course of study in as much detail as required by the department, the qualification and credentials of the teacher, the number of hours of instruction, the technology required to deliver and receive the course, the technical capacity of the local school system or charter school to deliver the course, the times that the local school system or charter school plans to deliver the course, and any other information required by the department. The department may require local school systems and charter schools to include in their applications information recommended by the State Board of Education.

(3) The department shall review the technical specifications of each application submitted pursuant to paragraph (2) of this subsection and shall determine if the local school system or charter school can satisfactorily deliver the course through the technology necessary for that delivery. All such courses shall be delivered only in accordance with technical specifications approved by the department.

(4) The department may request additional information from a local school system or charter school that submits an application pursuant to paragraph (2) of this subsection, if the department determines that such information is necessary. The department may negotiate changes in the proposal to offer a course, if the department determines that changes are necessary in order to approve the course.

(5) The department shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(A) Information necessary for a student and the student's parent, guardian, or custodian and the student's school system or the student's charter school to decide whether to enroll in the course; and

(B) Instructions for enrolling in that course, including deadlines for enrollment.

(6) The department shall identify the copyright owner of each course in the catalog and shall assist local school systems and charter schools in understanding the process of registering copyrights and other protections of intellectual property under federal law, if requested.

(d)(1) A student who is enrolled in a school operated by a local school system or in a charter school may enroll in a course included in the clearinghouse only if both of the following conditions are satisfied:

(A) The student's enrollment in the course is approved by the student's school system or the student's charter school; and

(B) The student's school system or the student's charter school agrees to accept for credit the grade assigned by the local school system or charter school delivering the course.

(2) For each student enrolling in a course, the student's school system or the student's charter school shall transmit the student's identification number and the student's name to the local school system or charter school delivering the course. The school system or charter school delivering the course may request from the student's school system or the student's charter school other information from the student's school record. The student's school system or the student's charter school shall provide the requested information only in accordance with state law.

(3) The student's school system or the student's charter school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the department.

(4) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school system or the student's charter school.

(5) A student who is enrolled in a school operated by a local school system or in a charter school and who takes a course included in the clearinghouse shall be counted in the funding formula of the student's school system or the student's charter school as if the student were taking the course from the student's school system or the student's charter school.

(e)(1) The department shall set appropriate fees for one-credit and half-credit courses.

(2) The department shall proportionally reduce the fee for any student who withdraws from a course prior to the end of the course pursuant to paragraph (4) of subsection (d) of this Code section.

(3) For each student enrolled in a course included in the clearinghouse, and not later than the last day of that course, the department shall deduct the amount of the fee for that course from the student's school system or charter school allotment and shall pay that amount to the local school system or charter school delivering the course.

(4) From the funds received pursuant to paragraph (3) of this subsection, the local school system or charter school delivering the course shall pay the teacher conducting the course such additional amount of compensation as set by the department based on the number of students taking the course and the course fee.

(f) The grade for a student who enrolls in a course included in the clearinghouse shall be assigned by the local school system or charter school that delivers the course and shall be transmitted by that school system or charter school to the student's school system or the student's charter school.
(g) The department may determine the manner in which a course included in the clearinghouse may be offered as a dual enrollment program, may be offered to students who are enrolled in nonpublic schools or a home study program pursuant to Code Section 20-2-690, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.
(h) The department shall promulgate rules and regulations for the implementation of this Code section. The department may coordinate the clearinghouse established pursuant to this Code section with the Georgia Virtual School established pursuant to Code Section 20-2-319.1.
(i) Nothing in this Code section shall prohibit a local school system or charter school from offering an interactive distance learning course or other distance learning course using a computer-based method through any means other than the clearinghouse established and maintained under this Code section.

SECTION 2.
All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Casas of the 103rd offers the following amendment:

Amend the Senate substitute to HB 175 (HB 175/SCSFA/2) by striking from lines 11 through 14 the following:
to enact the "Rachel Sackett Act"; to authorize public school students to participate in extracurricular activities at other public schools in their attendance zone; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations;

By striking line 20 and inserting in lieu thereof the following:
by adding a new Code section to read as follows:

By adding a quotation mark at the end of 128.

Representative Casas of the 103rd moved that the House agree to the Senate substitute, as amended by the House, to HB 175.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	E Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	E Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Maddox, B	Y Roberts	Y Williams, C
E Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 0.

The motion prevailed.

Representative O`Neal of the 146th moved that the following Bill of the Senate be taken from the table:

SB 410. By Senators Williams of the 19th, Mullis of the 53rd, Rogers of the 21st, Jeffares of the 17th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 3 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to an accountability assessment for K-12 education, so as to provide for annual indicators of the quality of learning by students, financial efficiency, and

school climate for individual schools and for school systems; to provide for individual school and school system numerical score ratings based on student achievement, achievement gap closure, and student progress; to require that a letter grade be assigned to each school and school system and included on school and school system report cards; to revise provisions relating to awards and interventions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 318. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Stephens of the 164th moved that the House insist on its position in disagreeing to the Senate substitute to HB 318 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Stephens of the 164th, England of the 108th and O`Neal of the 146th.

HB 869. By Representatives Lane of the 167th, Knight of the 126th, Burns of the 157th, Wilkinson of the 52nd and Stephens of the 164th:

A BILL to be entitled an Act to amend Title 27 of the O.C.G.A., relating to game and fish, so as to extensively revise various provisions relative to salt water fisheries management; to change certain provisions relating to rules and regulations of the Board of Natural Resources used to establish game and fish criminal violations; to add certain provisions relating to requirements of the Salt Water Information Program; to amend Chapter 7 of Title 52 of the

O.C.G.A., relating to the registration, operation, and sale of watercraft, so as to establish the date of rules and regulations promulgated by the Board of Natural Resources used to establish criminal violations; to correct cross-references; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend HB 869 (LC 40 0036) by striking line 9 and inserting in lieu thereof the following:
board; to authorize the repeal of certain rules or regulations; to create and provide for responsibilities of the Coastal Finfish Advisory Panel; to change certain provisions relating to fishing with bow and arrow; to repeal certain

By inserting "(a)" *at the beginning of line 161 and striking line 166 and inserting in lieu thereof the following:*
for by this title.

(b) Within the first ten days of a subsequent legislative session, the board shall report to the appropriate standing committees of each house and to all members whose districts are included within current boundaries of the First Congressional District the following information for the previous year:

(1) A listing and description of rules promulgated by the board for salt-water species listed in Code Section 27-4-10; and

(2) A listing and description of any findings made by the department in making a determination pursuant to Code Section 27-4-130.

(c) The General Assembly may override any rule or regulation promulgated by the board affecting salt-water finfish fisheries after January 1, 2013, by adopting a joint resolution of the General Assembly so stating, the provisions of Code Section 50-13-4 notwithstanding."

SECTION 6A.

Said title is further amended by adding a new Code section to read as follows:

"27-4-13.

(a) The Coastal Finfish Advisory Panel is established and shall be attached to the Department of Natural Resources for administrative purposes. The Coastal Finfish Advisory Panel shall consist of 11 members. One member shall be appointed by the commissioner from each of the following counties: Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden. The remaining five members shall reside within the First Congressional District and shall also be appointed by the commissioner. Each member shall serve for a term of two years. Members of the advisory panel shall serve without compensation.

(b) The Coastal Finfish Advisory Panel shall consult with the department to promote and protect recreational and commercial salt-water fishing in this state.
(c) The department shall consult with the Coastal Finfish Advisory Panel on all issues affecting salt-water finfish fisheries, including but not limited to decisions made by the commissioner pursuant to Code Section 27-4-130. The Coastal Finfish Advisory Panel shall be authorized to submit to the General Assembly a report detailing its objection to any rule or regulation adopted by the department under the authority of this chapter."

By striking line 389 and inserting in lieu thereof the following:
Section 27-2-23; provided, however, that no cashier employed by a licensed bait dealer and not actively involved in the harvest of bait shrimp shall be required to obtain a commercial fishing license under this Code section. No bait dealer license shall be issued to a person holding a commercial

The following amendment was read and adopted:

Representative Lane of the 167th offers the following amendment:

Amend the Senate amendment (AM 40 0028) to HB 869 by replacing lines 2 and 3 with the following:
board; to authorize the repeal of certain rules or regulations; to change certain provisions relating

By deleting lines 20 through 37.

Representative Lane of the 167th moved that the House agree to the Senate amendment, as amended by the House, to HB 869.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
N Allison	Y Dempsey	Y Henson	Y McCall	E Sheldon
E Amerson	Y Dickerson	N Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Morgan	Smith, K
Y Baker	Y Dollar	N Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	N Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	N Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	N Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	E England	Y Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
N Brockway	Y Epps, J	Y Jasperse	N Pak	Y Tankersley

Y Brooks	Y Evans	Y Jerguson	Y Parent	N Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	N Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
N Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	N Hamilton	Y Lane	Y Reece	E Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	N Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
E Collins	N Harden, M	Y Maddox, G	Rogers, C	Y Williams, E
N Cooke	Y Harrell	Y Manning	N Rogers, T	E Williams, R
N Coomer	Y Hatchett	Y Marin	Rynders	N Williamson
Y Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 143, nays 22.

The motion prevailed.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 954. By Representatives McKillip of the 115th, Collins of the 27th, England of the 108th, Hamilton of the 23rd, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to change certain provisions relating to criminal abortion; to change certain provisions relating to when abortion is legal; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to define certain terms; to require a determination of gestational age prior to abortion; to provide for certain reporting requirements with respect to performance of abortions; to state legislative findings; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Williams of the 19th, Unterman of the 45th, and Cowsert of the 46th.

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 300. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Code Section 26-2-21 of the Official Code of Georgia Annotated, relating to definitions relative to adulteration and misbranding of food, so as to exclude establishments selling sugar cane and sorghum syrup from the definition of "food sales establishment"; to require proper labeling of bottles containing sugar cane or sorghum syrup; to repeal conflicting laws; and for other purposes.

SB 372. By Senators Unterman of the 45th, Harbison of the 15th, Jackson of the 2nd, Hill of the 4th and Jones of the 10th:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to funeral directors and establishments, embalmers, and crematories, so as to provide for a determination as to whether a dead body that has been submitted to a funeral director in charge of a crematory is that of a deceased veteran; to provide a short title; to provide for certain notifications; to allow access to certain veterans' organizations under certain circumstances to information about a deceased; to allow certain veterans' organizations under certain circumstances to make arrangements for the disposition of the cremated remains of a deceased veteran; to provide for immunity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 284. By Senator Golden of the 8th:

A BILL to be entitled an Act to amend Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax sales, so as to provide for provisions governing the creation and operation of land banks on and after July 1, 2011; to provide a short title and a statement of construction, intent and scope; to provide for legislative findings; to define certain terms; to provide for the creation, existence, and board membership of land banks; to provide

for land bank powers, including those powers related to the acquisition and disposition of tax delinquent and other properties; to provide for public meetings of land banks, for the adoption of rules and regulations to address potential conflicts of interest, and for the dissolution of land banks; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 351. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, so as to require the same training for all judges of courts exercising municipal court jurisdiction; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 402. By Senators Golden of the 8th, Millar of the 40th, Stoner of the 6th, Rogers of the 21st, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," so as to provide a short title; to define certain terms relating to certain types of investments; to provide that the provisions of this Act shall be applicable only to the Employees' Retirement System of Georgia; to provide that the Teachers Retirement System of Georgia (T.R.S.) shall be exempt from the provisions of this Act; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure exempting legal authority, so as to exempt certain public records from public inspection; to repeal conflicting laws; and for other purposes.

SB 427. By Senators Tolleson of the 20th, Davis of the 22nd, Rogers of the 21st, Millar of the 40th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 50-13-18 of the Official Code of Georgia Annotated, relating to procedure upon grant, denial, renewal, revocation, suspension, annulment, or withdrawal of licenses, so as to require agency procedures for timely processing of and status reports regarding applications for issuance or renewal of licenses; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1102. By Representatives Smith of the 70th, Stephens of the 164th, Knight of the 126th, Manning of the 32nd, McCall of the 30th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, so as to provide a 30 day grace period for buyers of qualifying property to seek a limitation of liability; to provide for automatic liability limitations to future recipients of qualified properties; to repeal conflicting laws; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

SB 368. By Senators Carter of the 1st, Ligon, Jr. of the 3rd, Millar of the 40th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for continuing competency requirements as the board of nursing may require by rules or regulations as a requirement of renewal of licenses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Cooper of the 41st moved that the House insist on its position in substituting SB 368.

The motion prevailed.

SB 431. By Senators Hill of the 32nd and Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to add medical identity fraud to the provisions relating to identity fraud; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend SB 431 by adding on page 3, Section 2 line 68 before the word “Promotion” and add the words “National or Regional”

On Section 4, page 4 line 113, strike “Permitting” and replace it with the word “Prohibiting”

Representative Ramsey of the 72nd moved that the House agree to the Senate amendment to the House substitute to SB 431.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Cooper
Y Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Hudson
Y Hugley
Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Y Jordan
Y Kaiser
Y Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Y Manning
Marin
Y Martin
Y Maxwell
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Mitchell
Morgan
Morris
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Setzler
Y Shaw
E Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion the ayes were 161, nays 0.

The motion prevailed.

Due to a mechanical malfunction, the vote of Representative Parent of the 81st was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

SB 225. By Senators Miller of the 49th, Bethel of the 54th, Crosby of the 13th, Cowsert of the 46th, McKoon of the 29th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related criminal offenses, so as to provide for a new offense of transmitting a false report of a crime; to provide for penalties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Representative Collins of the 27th moved that the House insist on its position in substituting SB 225.

The motion prevailed.

HB 1117. By Representatives Clark of the 104th, Clark of the 98th, Thomas of the 100th, Dickerson of the 95th, Pak of the 102nd and others:

A BILL to be entitled an Act to amend Code Section 36-82-1 of the Official Code of Georgia Annotated, relating to elections for approval of bonded debt, so as to change certain provisions relating to population brackets and the census; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend HB 1117 by inserting after "census;" *on line 3* "to amend Code Section 45-8-12 of the Official Code of Georgia Annotated, relating to deposit of public funds in banks or depositories, so as to exempt hospital authorities from certain requirements;".

By inserting between lines 16 and 17 the following:

SECTION 1A.

Code Section 45-8-12 of the Official Code of Georgia Annotated, relating to deposit of public funds in banks or depositories, is amended by adding a new subsection to read as follows:

"(f) This Code section shall not apply to public funds of a hospital authority created pursuant to Article 4 of Chapter 7 of Title 31."

Representative Clark of the 104th moved that the House agree to the Senate amendment to HB 1117.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Clark, J	Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 0.

The motion prevailed.

HB 865. By Representatives Powell of the 29th, Harden of the 28th and Rice of the 51st:

A BILL to be entitled an Act to enact the "Georgia Motor Common and Contract Carrier Act of 2012"; to amend Chapter 1 of Title 40 of the O.C.G.A., relating to the identification and regulation of motor vehicles, so as to transfer the functions of regulating motor carriers and limousine carriers from the Georgia Public Service Commission to the Georgia Department of Public Safety; to amend Article 2 of Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to authorize chauffeur endorsements on driver's licenses; to modify, amend, and repeal provisions of the O.C.G.A., so as to conform certain cross-references, remove duplication of provisions, and remove such functions from current provisions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To enact the "Georgia Motor Common Carrier Act of 2012"; to amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to the identification and regulation of motor vehicles, so as to transfer the functions of regulating motor carriers and limousine carriers from the Georgia Public Service Commission to the Georgia Department of Public Safety; to amend Code Section 40-3-26 of the Official Code of Georgia Annotated, relating to delivery of certificate, notice to junior security interest holders and lienholders, and disposition of certificate when first lien or security interest satisfied, so as to provide for the electronic delivery of notices of recordings of security interests and liens; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to authorize chauffeur endorsements on driver's licenses; to modify, amend, and repeal provisions of the Official Code of Georgia Annotated, so as to conform certain cross-references, remove duplication of provisions, and remove such functions from current provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
The Georgia Motor Carrier Act.
SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to the identification and regulation of motor vehicles, is amended by adding a new article to read as follows:

"ARTICLE 3
Part 1

40-1-50.
This article shall be known and may be cited as the 'Georgia Motor Carrier Act of 2012.'

40-1-51.
The General Assembly finds that the for-hire transportation of persons and property are a privilege that require close regulation and control to protect public welfare, provide for a competitive business environment, and provide for consumer protection. To that end, the provisions of this article are enacted. This is a remedial law and shall be liberally construed. The Department of Public Safety is designated as the agency to implement and enforce this article. Exceptions contained in this article shall have no effect on the applicability of any other provision of law applicable to motor vehicles, commercial motor vehicles, operators of motor vehicles, or carrier operations.

40-1-52.
There is created and established a division within the Department of Public Safety to be known as the Motor Carrier Compliance Division. The Motor Carrier Compliance Division shall consist of two sections, the Motor Carrier Compliance Enforcement Section and the Motor Carrier Regulation Compliance Section. Except as provided in Chapter 2 of Title 35, the members of the Motor Carrier Compliance Enforcement Section shall be known and designated as law enforcement officers. The Motor Carrier Regulation Compliance Section shall be responsible for the regulation of the operation of motor carriers and limousine carriers in accordance with this article and motor carrier safety and the transportation of hazardous materials as provided in Code Section 40-1-8 and Article 2 of this chapter.

40-1-53.
The department is authorized to enforce this article by instituting actions for injunction, mandamus, or other appropriate relief.

40-1-54.
(a) The department shall promulgate such rules and regulations as are necessary to effectuate and administer the provisions of this article pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
(b) The commissioner is authorized to issue such orders, authorizations, and modification thereof as necessary to implement this article.
(c) A court shall take judicial notice of all rules and regulations promulgated by the department pursuant to this Code section.

40-1-55.
Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this article relating to the regulation of motor carriers and limousine carriers or any order, rule, or regulation of the Department of Public Safety, or who procures, aids, or abets therein, shall be guilty of a misdemeanor. Misdemeanor violations of this article may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of this title.

40-1-56.
(a) Any motor carrier or limousine carrier subject to the provisions of Part 2 or Part 3 of this article that fails to register as a motor carrier or limousine carrier with the department or that is subject to the jurisdiction of the department and willfully violates any law administered by the department or any duly promulgated regulation issued thereunder, or that fails, neglects, or refuses to comply with any order after notice thereof, shall be liable for a penalty not to exceed $15,000.00 for such violation and an additional penalty not to exceed $10,000.00 for each day during which such violation continues.

(b)(1) The department, after a hearing conducted after not less than 30 days' notice, shall determine whether any motor carrier has failed to register or willfully violated any law administered by the department, or any duly promulgated regulation issued thereunder, or has failed, neglected, or refused to comply with any order of the department. Upon an appropriate finding of a violation, the department may impose by order such civil penalties as are provided by subsection (a) of this Code section. In each such proceeding, the department shall maintain a record as provided in paragraph (8) of subsection (a) of Code Section 50-13-13 including all pleadings, a transcript of proceedings, a statement of each matter of which the department takes official notice, and all staff memoranda or data submitted to the department in connection with its consideration of the case. All penalties and interest thereon, at the rate of 10 percent per annum, recovered by the department shall be paid into the general fund of the state treasury.

(2) Any party aggrieved by a decision of the department may seek judicial review as provided in subsection (c) of this Code section.

(c)(1) Any party who has exhausted all administrative remedies available before the department and who is aggrieved by a final decision of the department in a proceeding described in subsection (b) of this Code section may seek judicial review of the final order of the department in the Superior Court of Fulton County.

(2) Proceedings for review shall be instituted by filing a petition within 30 days after the service of the final decision of the department or, if a rehearing is requested, within 30 days after the decision thereon. A motion for rehearing or reconsideration after a final decision by the department shall not be a prerequisite to the filing of a petition for review. Copies of the petition shall be served upon the department and all parties of record before the department.

(3) The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is aggrieved by the decision, and the ground, as specified in paragraph (6) of this subsection, upon which the petitioner contends that the decision should be reversed. The petition may be amended by leave of court.

(4) Within 30 days after service of the petition or within such further time as is stipulated by the parties or as is allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate that the record be limited may be taxed for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and there were good reasons for failure to present it in the proceedings before the agency, the court may order that the additional evidence be taken before the department upon such procedure as is determined by the court. The department may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(6) The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the department as to the weight of the evidence on questions of fact. The court may affirm the decision of the department or remand the case for further proceedings. The court may reverse the decision of the department if substantial rights of the petitioner have been prejudiced because the department's findings, inferences, conclusions, or decisions are:

(A) In violation of constitutional or statutory provisions;

(B) In excess of the statutory authority of the commission department;

(C) Made upon unlawful procedure;

(D) Clearly not supported by any reliable, probative, and substantial evidence on the record as a whole; or

(E) Arbitrary or capricious.

(7) A party aggrieved by an order of the court in a proceeding authorized under subsection (b) of this Code section may appeal to the Supreme Court of Georgia or to the Court of Appeals of Georgia in accordance with Article 2 of Chapter 6 of Title 5, the 'Appellate Practice Act.'

40-1-57.

Rules, orders, and regulations previously adopted which relate to functions performed by the Pubic Service Commission which were transferred under this Article to the Department of Public Safety shall remain of full force and effect as rules, orders, and regulations of the Department of Public Safety until amended, repealed, or superseded by rules or regulations adopted by the department.

Part 2

40-1-100.

As used in this part, the term:

(1) 'Carrier' means a person who undertakes the transporting of goods or passengers for compensation.

(2) 'Certificate' or 'motor carrier certificate' means a certificate of public convenience and necessity issued pursuant to this part or under the 'Motor Carrier Act of 1929,' under the 'Motor Carrier Act of 1931,' or under prior law.

(3) 'Commissioner' means the Commissioner of the Department of Public Safety.

(4) 'Company' shall include a corporation, a firm, a partnership, an association, or an individual.

(5) 'Exempt rideshare' means:

(A) Government endorsed rideshare programs;

(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or

(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph.

(6) 'For compensation' or 'for hire' means an activity wherein for payment or other compensation a motor vehicle and driver are furnished to a person by another person, acting directly or knowingly and willfully acting with another to provide the combined service of the vehicle and driver, and includes every person acting in concert with, under the control of, or under common control with a motor carrier who shall offer to furnish transportation for compensation or for hire, provided that no exempt rideshare shall be deemed to involve any element of transportation for compensation or for hire.

(7) 'Government endorsed rideshare program' means a vanpool, carpool, or similar rideshare operation conducted by or under the auspices of a state or local governmental transit instrumentality, such as GRTA, a transportation management association, or a community improvement district, or conducted under the auspices of such transit agencies, including through any form of contract between such transit instrumentality and private persons or businesses.

(8) 'GRTA' means the Georgia Regional Transportation Authority, which is itself exempt from regulation as a carrier under Code Section 50-32-71.

(9) 'Household goods' means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the commissioner may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder.

(10) 'Motor carrier' means:

(A) Every person owning, controlling, operating, or managing any motor vehicle, including the lessees, receivers, or trustees of such persons or receivers appointed by any court, used in the business of transporting for hire persons, household goods, property, or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public highway in this state.

(B) Except as otherwise provided in this subparagraph, the term 'motor carrier' shall not include:

(i) Motor vehicles engaged solely in transporting school children and teachers to and from public schools and private schools;

(ii) Taxicabs which operate within the corporate limits of municipalities and are subject to regulation by the governing authorities of such municipalities; the provisions of this division notwithstanding, vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 60-1-8;

(iii) Limousine carriers as provided for in Part 3 of this article;

(iv) Hotel passenger or baggage motor vehicles when used exclusively for patrons and employees of such hotel;

(v) Motor vehicles operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly and disabled passengers or employees under a corporate sponsored van pool program, except that a vehicle owned by the driver may be operated for profit when such driver is traveling to and from his or her place of work provided each such vehicle carrying more than nine passengers maintains liability insurance in an amount of not less than $100,000.00 per person and $300,000.00 per accident and $50,000.00 property damage. For the purposes of this part, elderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected;

(vi) Motor vehicles owned and operated exclusively by the United States government or by this state or any subdivision thereof;

(vii) Vehicles, owned or operated by the federal or state government, or by any agency, instrumentality, or political subdivision of the federal or state government, or privately owned and operated for profit or not for profit, capable of transporting not more than ten persons for hire when such vehicles are used exclusively to transport persons who are elderly, disabled, en route to receive medical care or prescription medication, or returning after receiving medical care or prescription medication. For the purpose of this part, elderly and disabled persons shall have the same meaning as in division (iv) of this subparagraph; or

(viii) Ambulances.

(11) 'Passenger' means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that which is accepted as an equivalent therefor. The prepayment of fare is not necessary to establish the relationship of passenger and carrier; although a carrier may demand prepayment of fare if persons enter his or her vehicle by his or her permission with the intention of being carried; in the absence of such a demand, an obligation to pay fare is implied on the part of the passenger, and the reciprocal obligation of carriage of the carrier arises upon the entry of the passenger.

(12) 'Person' means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.

(13) 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.

(14) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the commissioner.

40-1-101.

(a) Notwithstanding any other provision of law to the contrary, all motor carriers operating on the public roads of this state shall be subject to the requirements of this part and shall be deemed to have given consent to regulatory compliance inspections.

(b) Unless expressly prohibited by federal law, the commissioner is vested with power to regulate the business of any person engaged in the transportation as a motor carrier of persons or property, either or both, for hire on any public highway of this state.

(c) The commissioner is authorized to employ and designate a person or persons as necessary to implement and carry out the functions contained in this part.

(d) All motor carriers shall:

(1) Obtain a certificate as required by this part;

(2) Maintain liability insurance as provided in the rules and regulations of the department;

(3) Act in compliance with Georgia's workers' compensation laws as provided in Chapter 9 of Title 34 of the Official Code of Georgia Annotated; and

(4) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law.

40-1-102.

(a) No motor carrier of passengers or household goods or property shall, except as otherwise provided in this part, operate without first obtaining from the commissioner a certificate.

(b) Before a motor carrier may enter into any contract for the transportation of passengers, the motor carrier shall provide to all parties to the agreement a copy of the motor carrier's proof of legally required minimum insurance coverage and a valid certification number demonstrating that the motor carrier is currently certified by the commissioner, the Commissioner of Revenue, the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency. Any contract entered into in violation of this Code section shall be void and unenforceable.

40-1-103.
(a) The department shall prescribe the form of the application for a motor carrier certificate and shall prescribe such reasonable requirements as to notice, publication, proof of service, maintenance of adequate liability insurance coverage, and information as may, in its judgment, be necessary and may establish fees as part of such certificate process.
(b) A motor carrier certificate shall be issued to any qualified applicant, provided that such applicant is a motor carrier business domiciled in this state, authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of this part and the rules and regulations of the department and has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

40-1-104.
(a) The commissioner may, at any time after notice and opportunity to be heard and for reasonable cause, revoke, alter, or amend any motor carrier certificate, if it shall be made to appear that the holder of the certificate has willfully violated or refused to observe any of the lawful and reasonable orders, rules, or regulations prescribed by the commissioner or any of the provisions of this part or any other law of this state regulating or taxing motor vehicles, or both, or if in the opinion of the commissioner the holder of the certificate is not furnishing adequate service.
(b) The commissioner may, at any time, after reasonable attempt at notice, immediately suspend any motor carrier certificate, if the commissioner finds such suspension necessary to protect life, health, or safety, or to protect the public and consumers. Certificate holders affected by such suspension may appeal to the commissioner for review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedures Act.' The commissioner may exercise his or her discretion to designate a hearing officer for such appeals.
(c) The commissioner, or his or her designated employees, may issue an out-of-service order or orders to a certificate holder, pursuant to the provisions of this article.

40-1-105.
Any motor carrier certificate issued pursuant to this part may be transferred upon application to and approval by the commissioner, and not otherwise.

40-1-106.

(a) The commissioner shall issue a motor carrier certificate to a person authorizing transportation as a motor carrier of passengers or household goods or property subject to the jurisdiction of the department if the commissioner finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with regulations of the department. Fitness encompasses three factors:

(1) The applicant's financial ability to perform the service it seeks to provide;

(2) The applicant's capability and willingness to perform properly and safely the proposed service; and

(3) The applicant's willingness to comply with the laws of Georgia and the rules and regulations of the department.

(b) The initial burden of making out a prima-facie case that an applicant is fit to provide such service rests with the applicant.

(c) Upon an applicant making out a prima-facie case as to the motor carrier's ability to provide the service, the burden shifts to protestant to show that the authority sought should not be granted.

(d) A protest of a motor carrier of passengers or of household goods or property to an application will not be considered unless the protesting motor carrier:

(1) Possesses authority from the department to handle, in whole or in part, the authority which is being applied for and is willing and able to provide service and has performed service during the previous 12 month period or has actively in good faith solicited service during such period;

(2) Has pending before the department an application previously filed with the department for substantially the same authority; or

(3) Is granted by the commissioner leave to intervene upon a showing of other interests which in the discretion of the commissioner would warrant such a grant.

(e) The commissioner may issue a certificate without a hearing if the application is unprotested or unopposed.

40-1-107.

The commissioner shall adopt rules prescribing the manner and form in which motor carriers of passengers or household goods or property shall apply for certificates required by this part. Such rules shall require that the application be in writing, under oath, and that the application:

(1) Contains full information concerning the applicant's financial condition, the equipment proposed to be used, including the size, weight, and capacity of each vehicle to be used, and other physical property of the applicant;

(2) States the complete route or routes over which the applicant desires to operate and the proposed time schedule of the operation; and

(3) Contains any such other or additional information as the commissioner may order or require.

40-1-108.
Any motor carrier subject to the jurisdiction of the commissioner that transports passengers shall comply with the provisions of Code Section 3-3-23, concerning consumption of alcoholic beverages by persons under the age of 21. The commissioner shall provide to all motor carriers, at the time of registration or renewal of a certificate, an informational packet emphasizing the prohibition on alcohol consumption by persons under the age of 21 while being transported by the motor carrier.

40-1-109.
The commissioner shall collect the following one-time fees upon initial application of a motor carrier pursuant to this part:

(1) A fee of $75.00 to accompany each application for a motor carrier certificate, or amendment to an existing certificate, where the applicant owns or operates fewer than six motor vehicles;

(2) A fee of $150.00 to accompany each application for a motor carrier certificate, or amendment to an existing certificate, where the applicant owns or operates six to 15 motor vehicles;

(3) A fee of $200.00 to accompany each application for a motor carrier certificate, or amendment to an existing certificate, where the applicant owns or operates more than 15 motor vehicles;

(4) A fee of $75.00 to accompany each application for transfer of a motor carrier certificate; and

(5) A fee of $50.00 to accompany each application for intrastate temporary emergency authority under Code Section 40-1-104.

40-1-110.
The commissioner, upon the filing of an application for a motor carrier certificate, shall fix a time and place for hearing thereon and shall, at least ten days before the hearing, give notice thereof by advertising the same at the expense of the applicant in a newspaper in Atlanta, in which sheriffs' notices are published. If no protest is filed with the department or if the protest is subsequently withdrawn, the commissioner may issue the motor carrier certificate without a hearing.

40-1-111.
When an application for a motor carrier certificate under this part has been in whole or in part denied by the commissioner, or has been granted by the commissioner, and the order of the commissioner granting same has been quashed or set aside by a court of competent jurisdiction, a new application by the same petitioner or applicant therefor shall not be again considered by the department within three months from the date of the order denying the same or the judgment of the court quashing or setting aside the order.

40-1-112.

(a) No motor carrier of household goods or property or passengers shall be issued a motor carrier certificate unless there is filed with the department a certificate of insurance for such applicant or holder on forms prescribed by the commissioner evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state, which policy must provide for the protection, in case of passenger vehicles, of passengers and the public against injury proximately caused by the negligence of such motor carrier, its servants, or its agents; and, in the case of vehicles transporting household goods, to secure the owner or person entitled to recover against loss or damage to such household goods for which the motor common carrier may be legally liable. The department shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. The failure to file any form required by the department shall not diminish the rights of any person to pursue an action directly against a motor carrier's insurer.

(b) The department shall have power to permit self-insurance, in lieu of a policy of indemnity insurance, whenever in its opinion the financial ability of the motor carrier so warrants.

(c) It shall be permissible under this part for any person having a cause of action arising under this part to join in the same action the motor carrier and the insurance carrier, whether arising in tort or contract.

40-1-113.

(a) As used in this Code section, the term:

(1) 'Motor carrier transportation contract' means a contract, agreement, or understanding covering:

(A) The transportation of property for compensation or hire by the motor carrier;

(B) Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

(C) A service incidental to activity described in subparagraph (A) or (B) of this paragraph, including, but not limited to, storage of property.

Motor carrier transportation contract shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(2) 'Promisee' means the person promising to provide transportation of property and any agents, employees, servants, or independent contractors who are directly responsible to such person but shall not include a motor carrier party to a motor carrier transportation contract with such person and such motor carrier's agents, employees, servants, or independent contractors directly responsible to such motor carrier.

(b) Notwithstanding any provision of law to the contrary, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation

contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.

40-1-114.
Notwithstanding any other provision of law to the contrary, in order to authorize the provision of passenger or household goods service for which there is an immediate and urgent need to a point or points, or within a territory, with respect to which there is no motor carrier service capable of meeting such need, upon receipt of an application for temporary emergency authority and upon payment of the appropriate fee as fixed by statute, the department may, in its discretion and without a hearing or other prior proceeding, grant to any person temporary motor carrier authority for such service. The order granting such authority shall contain the department's findings supporting its determination that there is an unmet immediate and urgent need for such service and shall contain such conditions as the commissioner finds necessary with respect to such authority. Emergency temporary motor carrier authority, unless suspended or revoked for good cause within such period, shall be valid for such time as the department shall specify but not for more than an aggregate of 30 days. Such authority shall in no case be renewed and shall create no presumption that corresponding permanent authority will be granted thereafter, except that, where a motor carrier granted temporary emergency motor carrier authority under the provisions of this Code section makes application during the period of said temporary emergency authority for permanent motor carrier authority corresponding to that authorized in its temporary emergency authority, the temporary emergency motor carrier authority will be extended to the finalization of the permanent authority application unless sooner suspended or revoked for good cause within the extended period.

40-1-115.
A motor carrier of passengers may discontinue its entire service on any route upon 30 days' published notice to be prescribed by the department, and thereupon its certificate therefor shall be canceled. A motor carrier of passengers may discontinue any part of its service on any route upon 30 days' published notice, subject, however, to the right of the department to withdraw its certificate for such route if, in the opinion of the commissioner, such diminished service is not adequate or is no longer compatible with the public interest.

40-1-116.
No subdivision of this state, including cities, townships, or counties, shall levy any excise, license, or occupation tax of any nature, on the right of a motor carrier to operate equipment, or on the equipment, or on any incidents of the business of a motor carrier.

40-1-117.

(a) Each nonresident motor carrier shall, before any permit is issued to it under this part or at the time of registering as required by Code Section 40-2-140, designate and maintain in this state an agent or agents upon whom may be served all summonses or other lawful processes in any action or proceeding against such motor carrier growing out of its carrier operations; and service of process upon or acceptance or acknowledgment of such service by any such agent shall have the same legal force and validity as if duly served upon such nonresident carrier personally. Such designation shall be in writing, shall give the name and address of such agent or agents, and shall be filed in the office of the state revenue commissioner. Upon failure of any nonresident motor carrier to file such designation with the state revenue commissioner or to maintain such an agent in this state at the address given, such nonresident carrier shall be conclusively deemed to have designated the Secretary of State and his or her successors in office as such agent; and service of process upon or acceptance or acknowledgment of such service by the Secretary of State shall have the same legal force and validity as if duly served upon such nonresident carrier personally, provided that notice of such service and a copy of the process are immediately sent by registered or certified mail or statutory overnight delivery by the Secretary of State or his or her successor in office to such nonresident carrier, if its address be known. Service of such process upon the Secretary of State shall be made by delivering to his or her office two copies of such process with a fee of $10.00.

(b) Except in those cases where the Constitution requires otherwise, any action against any resident or nonresident motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, or for any violation of this article or of any order, decision, rule, regulation, direction, demand, or other requirement established by the state revenue commissioner, may be brought in the county where the cause of action or some part thereof arose; and if the motor carrier or its agent shall not be found for service in the county where the action is instituted, a second original may issue and service be made in any other county where the service can be made upon the motor carrier or its agent. The venue prescribed by this Code section shall be cumulative of any other venue provided by law.

(c) Except in those cases where the Constitution requires otherwise, for the purposes of venue only, any truck engaged exclusively in the transportation of agricultural or dairy products, or both, between farm, market, gin, warehouse, or mill shall not be classified as a motor common or contract carrier.

40-1-118.

The commissioner shall prescribe just and reasonable rates, fares, and charges for transportation by motor carriers of household goods and for all services rendered by motor carriers in connection therewith. The tariffs therefor shall be in such form and shall be filed and published in such manner and on such notice as the department may prescribe. Such tariffs shall also be subject to change on such notice and in such manner as the department may prescribe. In order to carry out the purposes of this

Code section, including the publication and maintenance of just, reasonable, and nondiscriminatory rates and charges, the department shall establish a rate-making procedure for all carriers of household goods. Failure on the part of any motor carrier to comply with this Code section or the rules and regulations promulgated under this Code section may result in suspension or cancellation of said carrier's operating authority by the department.

40-1-119.
No motor carrier of household goods or property shall charge, demand, collect, or receive a greater or lesser or different compensation for the transportation of property or for any service rendered in connection therewith than the rates, fares, and charges prescribed or approved by order of the department; nor shall any such motor carrier unjustly discriminate against any person in its rates, fares, or charges for service. The commissioner may prescribe, by general order, to what persons motor carriers of household goods may issue passes or free transportation; may prescribe reduced rates for special occasions; and may fix and prescribe rates and schedules.

40-1-120.
Motor carriers of passengers shall not be compelled to carry baggage of passengers, except hand baggage, the character, amount, and size of which the motor carrier may limit by its rules and regulations, subject to the approval of the department; and the department may by rule or regulation limit the amount of the liability of the motor carrier therefor. If a motor carrier shall elect to carry the personal baggage of passengers, other than hand baggage, the department shall prescribe just and reasonable rates therefor and such other rules and regulations with respect thereto as may be reasonable and just, and may by rule or regulation limit the amount of the liability of the motor carrier therefor.

40-1-121.
The department shall prescribe the books and the forms of accounts to be kept by the holders of certificates under this part, which books and accounts shall be preserved for such reasonable time as may be prescribed by the department. The books and records of every certificate holder shall be at all times open to the inspection of any agent of the department for such purpose. The department shall have the power to examine the books and records of all motor carriers to whom it has granted certificates or permits to operate under this part and to examine under oath the officers and agents of any motor carrier with respect thereto.

40-1-122.
Motor carriers shall observe the laws of this state in respect to size, weight, and speed of their vehicles. Intrastate motor carriers of passengers shall, and interstate motor carriers of passengers may, file with the department the schedules upon which they propose to operate their vehicles, which schedules shall be such that the net running

time of vehicles between terminal points shall not exceed the lawful speed limit; and any motor carrier of passengers filing such a schedule shall be allowed to operate his or her vehicles on the highway at a rate of speed not exceeding the lawful speed limit in order to maintain a schedule so filed.

40-1-123.
Any motor carrier which operates on the public highways of this state without the required certificate or permit, or after such certificate or permit has been canceled, or without having registered its vehicle or vehicles as provided for in this part, or which operates otherwise than is permitted by the terms of such certificate or permit or the laws of this state may be enjoined from operating on the public highways of this state upon the bringing of a civil action by the department, by a competing motor carrier or rail carrier, or by any individual.

40-1-124.
Nothing in this part or any other law shall be construed to vest in the owner, holder, or assignee of any certificate or permit issued under this part any vested right to use the public highways of this state and shall not be construed to give to any motor carrier any perpetual franchise over such public highways.

40-1-125.
(a) Upon issuance by the commissioner of an order suspending or revoking a motor carrier certificate, such motor carrier shall be afforded a hearing to be held in accordance with the procedures set forth in Code Section 40-1-56.
(b) Any person whose motor carrier certificate has been suspended or revoked and who has exhausted all administrative remedies available within the Department of Public Safety is entitled to judicial review in accordance with Code Section 40-1-56.

40-1-126.
In circumstances where a motor carrier is engaged in both interstate and intrastate commerce, it shall nevertheless be subject to all the provisions of this part so far as it separately relates to commerce carried on exclusively in this state. It is not intended that the department shall have the power of regulating the interstate commerce of such motor carrier, except to the extent expressly authorized by this part as to such commerce. The provisions of this part do not apply to purely interstate commerce nor to carriers exclusively engaged in interstate commerce. When a motor carrier is engaged in both intrastate and interstate commerce, it shall be subject to all the provisions of this part so far as they separately relate to commerce carried on in this state.

40-1-127.
(a) All actions at law against motor carriers operating in this state, which actions seek to recover overcharges accruing on intrastate shipments, shall be initiated within a

period of three years after the time the cause of action accrues, and not thereafter, provided that, if a claim for the overcharge is presented in writing to the carrier within the three-year period of limitation, the period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim or any part thereof.

(b) A motor carrier of property may, upon notice to the commissioner of public safety, elect to be subject to the following requirements regarding rates, charges, and claims for loss or damage:

(1) A motor carrier of property shall provide to the shipper, upon request of the shipper, a written or electronic copy of the rate, classification, rules, and practices upon which any rate agreed to between the shipper and carrier may have been based. When the applicability or reasonableness of the rates and related provisions billed by a carrier is challenged by the person paying the freight charges, the commissioner of public safety shall determine whether such rates and provisions are reasonable or applicable based on the record before it. In cases where a carrier other than a carrier providing transportation of household goods seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the commissioner of public safety determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the original bill in order to have the right to collect such charges;

(2) If a shipper seeks to contest the charges originally billed by a motor carrier of property, the shipper may request that the commissioner of public safety determine whether the charges originally billed must be paid. A shipper must contest the original bill within 180 days in order to have the right to contest such charges; and

(3) Claims for loss of or damage to property for which any motor carrier of property may be liable must be filed within nine months after the delivery of the property, except that claims for failure to make delivery must be filed within nine months after a reasonable time for delivery has elapsed.

(c) The commissioner of public safety shall adopt rules regarding rates, charges, and claims for loss or damage applicable to carriers of household goods.

40-1-128.

(a) Any officer, agent, or employee of any corporation, and any other person, who knowingly accepts or receives any rebate or drawback from the rates, fares, or charges established or approved by the department for motor carriers of passengers or household goods, or who procures, aids, or abets therein, or who uses or accepts from such motor carrier any free pass or free transportation not authorized or permitted by law or by the orders, rules, or regulations of the department, or who procures, aids, or abets therein, shall be guilty of a misdemeanor.

(b) The possession of goods, wares, or merchandise loaded on a motor vehicle consigned to any person, firm, or corporation, being transported or having been transported over the public highways in this state, without the authority of a permit or

certificate for so transporting having been issued by the department under this article, shall be prima-facie evidence that such transportation of such goods, wares, or merchandise was an intentional violation of the law regulating the transportation of persons and property over the public highways in this state.
(c) Any person claiming the benefit of any exception made in this article shall have the burden of proving that he or she falls within the exception.

40-1-129.
(a) Whenever the department, after a hearing conducted in accordance with the provisions of Code Section 40-1-56, finds that any person, firm, or corporation is operating as a household goods carrier for hire without a valid certificate issued by the department or is holding itself out as such a carrier without such a certificate in violation of this part, the department may impose a fine of not more than $5,000.00 for each violation. The department may assess the person, firm, or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the department. The department may also assess interest at the rate specified in Code Section 40-1-56 on any fine or assessment imposed, to commence on the day the fine or assessment becomes delinquent. All fines, assessments, and interest collected by the department shall be paid into the general fund of the state treasury. Any party aggrieved by a decision of the department under this subsection may seek judicial review as provided in Code section 40-1-56.
(b) Any person, firm, or corporation who knowingly and willfully issues, publishes, or affixes or causes or permits the issuance, publishing, or affixing of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the person, firm, or corporation is in operation as a household goods carrier for hire without having a valid certificate issued by the department is guilty of a misdemeanor. Any fine or assessment imposed by the department pursuant to the provisions of subsection (a) of this Code section shall not bar criminal prosecution pursuant to the provisions of this subsection.

40-1-130.
In any advertisement for a motor carrier, whether by print, radio, television, other broadcast, or electronic media including but not limited to Internet advertising and any listing or sites on any website, the motor carrier shall include the motor carrier authorization number issued to it by the Department of Public Safety. The requirements of this Code section shall not apply to nonconsensual towing motor carriers providing services pursuant to Code Section 44-1-13. The department shall be required to issue a motor carrier authorization number to each registered motor carrier. Whenever the department, after a hearing conducted in accordance with the provisions of Code Section 40-1-56, finds that any person is advertising in violation of this Code section, the department may impose a fine of not more than $500.00 for an initial violation and not more than $15,000.00 for a second or subsequent violation.

Part 3

40-1-150.
This part shall be known and may be cited as the 'Georgia Limousine Carrier Act.'

40-1-151.
As used in this part, the term:

(1) 'Certificate' or 'limousine carrier certificate' means a certificate issued by the department for the operation of limousines or limousine services under this part and such certificates issued by the Public Service Commission on or before June 30, 2012.

(2) 'Chauffeur' means any person with a Georgia state driver's license who meets the qualifications as prescribed in this part and who is authorized by the commissioner of driver services to drive a motor vehicle of a limousine carrier as provided in paragraph (5) below.

(3) 'Department' means the Department of Public Safety.

(4) 'Limousine' means any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designed seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

(5) 'Limousine carrier' means any person owning or operating a prearranged service regularly rendered to the public by furnishing transportation as a motor carrier for hire, not over fixed routes, by means of one or more unmetered:

(A) Limousines;

(B) Extended limousines;

(C) Sedans;

(D) Extended sedans;

(E) Sport utility vehicles;

(F) Extended sport utility vehicles;

(G) Other vehicles with a capacity for seating and transporting no more than 15 persons for hire including the driver; or

(H) Any combination of subparagraphs (A) through (G) of this paragraph on the basis of telephone contract or written contract. A limousine carrier shall not use per capita rates or charges.

(6) 'Person' means any individual, firm, partnership, private or public corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(7) 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.

(8) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in

the transportation of passengers or property, or any combination thereof, determined by the commission.

40-1-152.
(a) No limousine carrier shall operate any motor vehicle owned or operated by a limousine carrier for the transportation of passengers for compensation on any public highway in this state except in accordance with the provisions of this article.
(b) No person may engage in the business of a limousine carrier over any public highway in this state without first having obtained from the department a certificate to do so.

40-1-153.
(a) The department shall prescribe the form of the application for a limousine carrier certificate and shall prescribe such reasonable requirements as to notice, publication, proof of service, maintenance of adequate liability insurance coverage, and information as may, in its judgment, be necessary and may establish fees as part of such certificate process.
(b) A limousine carrier certificate shall be issued to any qualified applicant, provided that such applicant is a limousine carrier business domiciled in this state, authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of this part and the rules and regulations of the department and has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

40-1-154.
(a) It shall be the duty of the department to regulate limousine carriers with respect to the safety of equipment.
(b) The department shall require safety and mechanical inspections at least on an annual basis for each vehicle owned or operated by a limousine carrier. The department shall provide, by rule or regulation, for the scope of such inspections, the qualifications of persons who may conduct such inspections, and the manner by which the results of such inspections shall be reported to the department.
(c) In addition to the requirements of this Code section, limousine carriers shall comply with the applicable provisions of Code Section 40-1-8.

40-1-155.
No limousine carrier certificate issued under this part may be leased, assigned, or otherwise transferred or encumbered unless authorized by the department.

40-1-156.
(a) The department may cancel, revoke, or suspend any limousine carrier certificate issued under this part on any of the following grounds:
(1) The violation of any of the provisions of this part;

(2) The violation of an order, decision, rule, regulation, or requirement established by the department;
(3) Failure of a limousine carrier to pay a fee imposed on the carrier within the time required by law or by the department;
(4) Failure of a limousine carrier to maintain required insurance in full force and effect; and
(5) Failure of a limousine carrier to operate and perform reasonable services.
(b) After the cancellation or revocation of a certificate or during the period of its suspension, it is unlawful for a limousine carrier to conduct any operations as such a carrier.

40-1-157.
Limousine certificates shall be valid unless suspended, revoked, or cancelled by the commissioner, or surrendered to the commissioner by the holder.

40-1-158.
Pursuant to rules and regulations prescribed by the commissioner of driver services, each chauffeur employed by a limousine carrier shall secure from the Department of Driver Services a limousine chauffeur authorization and license endorsement.

40-1-159.
The commissioner shall collect the following one-time fees upon initial application of a limousine carrier pursuant to this part:
(1) A fee of $75.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates fewer than six limousines;
(2) A fee of $150.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates six to 15 limousines;
(3) A fee of $200.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates more than 15 limousines; and
(4) A fee of $75.00 to accompany each application for transfer of a certificate.

40-1-160.
Any limousine carrier subject to the jurisdiction of the commissioner that transports passengers shall comply with the provisions of paragraph (1) of subsection (a) of Code Section 3-3-23 and Code Section 3-9-6, concerning consumption of alcoholic beverages. The commissioner shall provide to all such limousine carriers, at the time of registration a certificate, an informational packet emphasizing the prohibition on alcohol consumption by persons under the age of 21 while being transported by the limousine carrier.

40-1-161.
(a) The commissioner may, at any time after notice and opportunity to be heard and for reasonable cause, revoke, alter, or amend any limousine certificate issued under this part, or under prior law, if it shall be made to appear that the holder of the certificate has willfully violated or refused to observe any of the lawful and reasonable orders, rules, or regulations prescribed by the commissioner or any of the provisions of this part or any other law of this state regulating or taxing motor vehicles, or both, or if in the opinion of the commissioner the holder of the certificate is not furnishing adequate service.

40-1-162.
The State of Georgia fully occupies and preempts the entire field of regulation over limousine carriers as regulated by this part; provided, however, that the governing authority of any county or municipal airport shall be authorized to permit any limousine carrier doing business at any such airport and may establish fees as part of such permitting process; provided, further, that such fees shall not exceed the airport's approximate cost of permitting and regulating limousine carriers; and provided, further, that such governing authorities of such airports shall accept a chauffeur's endorsement issued by the Department of Driver Services to the driver and evidence of a certificate issued to the limousine carrier by the Department of Public Safety as adequate evidence of sufficient criminal background investigations and shall not require any fee for any further criminal background investigation. The list of licensed limousine carriers on the website of the Department of Public Safety shall be sufficient evidence that a limousine carrier has a certificate issued by the Department of Public Safety.

40-1-163.
(a) Notwithstanding the powers granted to the department regarding tariffs of other motor carriers, the department is not authorized to set, adjust, or change rates or charges for transportation of passengers, property, or passengers and property by a vehicle of a type listed in Code Section 40-1-118 that is managed, operated, owned, leased, rented, or controlled by a limousine carrier.
(b) Any tariff issued by the department that exists as of June 30, 2007, that regulates the rates or charges for transportation of passengers, property, or passengers and property by a vehicle of a type listed in Code Section 40-1-118 that is managed, operated, owned, leased, rented, or controlled by a limousine carrier shall be void.

40-1-164.
Before the department shall enter any order, regulation, or requirement directed against any limousine carrier, such carrier shall first be given reasonable notice and an opportunity to be heard on the matter.

40-1-165.
In any advertisement for a limousine carrier, whether by print, radio, television, other broadcast, or electronic media including but not limited to Internet advertising and any listing or sites on any website, the limousine carrier shall include the motor carrier authorization number issued to it by the Department of Public Safety. The department shall be required to issue a motor carrier authorization number to each registered limousine carrier. Whenever the department, after a hearing conducted in accordance with the provisions of Code Section 40-1-56, finds that any person is advertising in violation of this Code section, the department may impose a fine of not more than $500.00 for an initial violation and not more than $15,000.00 for a second or subsequent violation.

40-1-166.
Each limousine carrier shall obtain and maintain commercial indemnity and liability insurance with an insurance company authorized to do business in this state which policy shall provide for the protection of passengers and property carried and of the public against injury proximately caused by the negligence of the limousine carrier, its servants, and its agents. The minimum amount of such insurance shall be:

(1) For capacity of 12 passengers or less, $300,000.00 for bodily injuries to or death of all persons in any one accident with a maximum of $100,000.00 for bodily injuries to or death of one person, and $50,000.00 for loss of damage in any one accident to property of others, excluding cargo; or

(2) For capacity of more than 12 passengers, $500,000.00 for bodily injuries to or death of all persons in any one accident with a maximum of $100,000.00 for bodily injuries to or death of one person, and $50,000.00 for loss of damage in any one accident to property of others, excluding cargo.

40-1-167.
Each limousine carrier which registers any vehicle under this article shall, for each such certificated vehicle, affix to the center of the front bumper of each such certificated vehicle a standard size license plate bearing the following information: (1) limousine carrier name, (2) city and state of principal domicile, (3) company telephone number, and (4) the vehicle classification, IE-1. The cost for such license plate shall be the sole responsibility of the limousine carrier and must be placed on each certificated vehicle prior to said vehicle being placed in service.

40-1-168.
No subdivision of this state, including cities, townships, or counties, shall levy any excise, license, or occupation tax of any nature, on the right of a limousine carrier to operate equipment, or on the equipment, or on any incidents of the business of a limousine carrier.

40-1-169.
The department is authorized to enforce the provisions of this part. Additionally, the department may hear a petition by a third party asserting that a limousine carrier has violated 40-1-152 and may impose the penalties and seek the remedies set out in 40-1-56 of this title if the department finds such a violation.

40-1-170.
The provisions of this part and the powers granted to the department by this part to regulate limousine carriers shall apply to every vehicle of a type listed in Code Section 40-1-151 that is managed, operated, owned, leased, rented, or controlled by a limousine carrier."

SECTION 2.

Code Section 40-3-26 of the Official Code of Georgia Annotated, relating to delivery of certificate, notice to junior security interest holders and lienholders, and disposition of certificate when first lien or security interest satisfied, is amended by revising paragraph (2) of subsection (a) as follows:

"(2) The commissioner may enter into agreements with any such security interest holder or lienholder to provide a means of delivery by secure electronic measures of a notice of the recording of such security interest or lien. On or after January 1, 2013, the commissioner shall require that security interest holders and lienholders receive notice of recordings of security interests and liens electronically. Such requirement may be phased in based on criteria designated by the commissioner through duly adopted rules and regulations. Such security interest or lien shall remain on the official records of the department until such time as the security interest or lien is released by secure electronic measures or affidavit of lien or security interest release; after which release, or at the request of the lienholder or security interest holder, the certificate of title may be printed and mailed or delivered to the next lienholder or security interest holder or as otherwise provided by paragraph (1) of this subsection without payment of any fee provided by Code Section 40-3-38."

SECTION 3.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-39.
(a) The department shall endorse the driver's license of any approved limousine chauffeur employed by a limousine carrier. In order to be eligible for such endorsement, an applicant shall:
(1) Be at least 18 years of age;
(2) Possess a valid Georgia driver's license which is not limited as defined in Code Section 40-5-64;
(3) Not have been convicted, been on probation or parole, or served time on a sentence for a period of ten years previous to the date of application for any felony or

any other crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the law unless he or she has received a pardon and can produce evidence of same. For the purposes of this paragraph, a plea of nolo contendere shall be considered to be a conviction, and a conviction for which a person has been free from custody and free from supervision for at least ten years shall not be considered a conviction unless the conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense;

(4) Submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified; and

(5) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law.

(b) Such endorsement shall be valid for the same term as such person's driver's license, provided that each person seeking renewal of a driver's license with such endorsement shall submit to a review of his or her criminal history for verification of his or her continued eligibility for such endorsement prior to making application for such renewal using the same process set forth in subsection (a) of this Code section. If such person no longer satisfies the background requirements set forth herein, he or she shall not be eligible for the inclusion of such endorsement on his or her driver' license, and it shall be renewed without the endorsement.

(c) Every chauffeur employed by a limousine carrier shall have his or her Georgia driver's license with the prescribed endorsement in his or her possession at all times while operating a motor vehicle of a limousine carrier.

(d) The department is authorized to promulgate rules and regulations as necessary to implement this Code section."

PART II

Conformity of Cross-References.

SECTION 4.

Code Section 20-1-10 of the Official Code of Georgia Annotated, relating to certification by Public Service Commission required prior to contracting with motor or contract carrier, is amended by revising subsection (b) as follows:

"(b) No educational institution receiving state funds shall enter into an agreement with a motor carrier or contract carrier for the purpose of transporting students without first verifying that such carrier is certified by the ~~Public Service Commission~~ Department of Public Safety as required by ~~Article 1 of Chapter 7 of Title 46~~ Article 5 of Chapter 2 of Title 35, the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency."

SECTION 5.

Code Section 27-5-4 of the Official Code of Georgia Annotated, relating to wild animal licenses and permits generally, is amended by revising subsection (d) as follows:

"(d) No wild animal license or permit shall be required for a carrier regulated either by the Interstate Commerce Commission, the Civil Aeronautics Board, or the ~~Public Service Commission~~ Department of Public Safety to import or transport any wild animal."

SECTION 6.

Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to employment, is amended by revising subparagraph (n)(10)(B) as follows:

"(B) The employer exercises no general control over such commission agent but only such control as is necessary to assure compliance with its filed tariffs and with the laws of the United States and the State of Georgia and the rules and regulations of the ~~Public Service Commission~~ Department of Public Safety, the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration, and all other regulatory bodies having jurisdiction of the premises; and"

SECTION 7.

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended by revising Article 5, relating to the Motor Carrier Compliance Division, as follows:

"ARTICLE 5

35-2-100.

There ~~is~~ shall be created and established a division of the Department of Public Safety to be known as the Motor Carrier Compliance Division, and within the division shall be created a section to be known as the Motor Carrier Compliance Enforcement Section. Except as provided in Code Section 35-2-102, the members of the Motor Carrier Compliance ~~Division~~ Enforcement Section shall be known and designated as 'law enforcement officers.'

35-2-101.

(a) The Motor Carrier Compliance ~~Division~~ Enforcement Section of the department shall have jurisdiction throughout this state with such duties and powers as are prescribed by law.

(b) The primary duties of the Motor Carrier Compliance ~~Division~~ Enforcement Section shall be as follows:

(1) Enforcement of laws and regulations relating to the size and the weights of motor vehicles, trailers, and loads as provided for in Article 2 of Chapter 6 of Title 32;

(2) Enforcement of laws and regulations relating to licensing and fuel tax registration requirements and the reporting of violations thereof to the Department of Revenue;

(3) Enforcement of safety standards for motor vehicles and motor vehicle components;

(4) Enforcement of laws relating to hazardous materials carriers;

(5) Enforcement of all state laws on the following properties owned or controlled by the Department of Transportation or the State Road and Tollway Authority: rest areas, truck-weighing stations or checkpoints, wayside parks, parking facilities, toll facilities, and any buildings and grounds for public equipment and personnel used for or engaged in administration, construction, or maintenance of the public roads or research pertaining thereto;

(6) Enforcement of Code Section 16-10-24, relating to obstructing or hindering law enforcement officers;

(7) Directing and controlling traffic on any public road which is part of the state highway system but only in areas where maintenance and construction activities are being performed and at scenes of accidents and emergencies until local police officers or Georgia State Patrol officers arrive and have the situation under control;

(8) Enforcement of Code Sections 32-9-4 and 40-6-54, relating to designation of restricted travel lanes;

(9) Enforcement of Code Section 16-11-43, relating to obstructing highways, streets, sidewalks, or other public passages, on any public road which is part of the state highway system;

(10) Enforcement of Code Section 16-7-43, relating to littering public or private property or waters, on any public road which is part of the state highway system;

(11) Enforcement of Code Section 16-7-24, relating to interference with government property, on any public road which is part of the state highway system; and

(12) Enforcement of any state law when ordered to do so by the commissioner.

(c) In performance of the duties specified in subsection (b) of this Code section, certified law enforcement officers employed by the department or designated by the commissioner shall:

(1) Be authorized to carry firearms;

(2) Exercise arrest powers;

(3) Have the power to stop, enter upon, and inspect all motor vehicles using the public highways for purposes of determining whether such vehicles have complied

with and are complying with laws, the administration or enforcement of which is the responsibility of the department;

(4) Have the power to examine the facilities where motor vehicles are housed or maintained and the books and records of motor carriers for purposes of determining compliance with laws, the administration or enforcement of which is the responsibility of the department; and

(5) Exercise the powers generally authorized for law enforcement officers in the performance of their duties or otherwise to the extent needed to protect any life or property when the circumstances demand action.

(d) The commissioner shall authorize law enforcement officers of the Motor Carrier Compliance ~~Division~~ Enforcement Section to make use of dogs trained for the purpose of detection of drugs and controlled substances while such officers are engaged in the performance of their authorized duties. If such authorized use of such a dog indicates probable cause to indicate the presence of contraband, the officer or officers shall in those circumstances have the full authority of peace officers to enforce the provisions of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' and Article 3 of Chapter 13 of Title 16, the 'Dangerous Drug Act'; provided, however, that the department must immediately notify the local law enforcement agency and district attorney of the jurisdiction where a seizure is made.

(e)(1) Certified law enforcement officers employed by the Motor Carrier Compliance ~~Division~~ Enforcement Section may use a department motor vehicle while working an approved off-duty job, provided that:

(A) The off-duty employment is of a general nature that is the subject of a contract between the off-duty employer and the department and is service in which the use of the department motor vehicle is a benefit to the department or is in furtherance of the department's mission;

(B) The off-duty employer agrees to pay and does pay to the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to such contract, the department shall pay the employee of the department the compensation earned on off-duty employment whenever such employee performs such service in a department motor vehicle; and

(C) The commissioner has specifically approved, in writing, the individual use of the vehicle by the employee.

(2) At no time will an off-duty employee be allowed use of a department motor vehicle at any political function of any kind.

35-2-102.

(a) The commissioner is authorized to establish a position to be known as 'weight inspector' within the Motor Carrier Compliance ~~Division~~ Enforcement Section of the Department of Public Safety. Weight inspectors shall be assigned to fixed scales facilities and shall not be authorized to operate outside such facilities. The number of such positions shall be determined by the commissioner within the limits set by

available appropriations. Weight inspectors may be divided into such ranks as the commissioner deems appropriate.

(b) The commissioner shall ensure that a weight inspector is properly trained regarding laws governing commercial motor vehicle weight, registration, size, and load, including, but not limited to, commercial motor vehicle provisions in Article 2 of Chapter 6 of Title 32 and safety standards for commercial motor vehicles and such motor vehicle components. The training required in the areas required by this subsection shall be equivalent to training provided to certified officers in the Motor Carrier Compliance ~~Division~~ Enforcement Section.

(c) A weight inspector, at the fixed scales facility, shall be authorized to:

(1) Enforce noncriminal provisions relating to commercial motor vehicle weight, registration, size, and load and assess a civil penalty for a violation of such provisions; and

(2) Detain a commercial motor vehicle that:

(A) Has a safety defect which is critical to the continued safe operation of the vehicle;

(B) Is being operated in violation of any criminal law; or

(C) Is being operated in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records data base.

The detention authorized by this paragraph shall be for the purpose of contacting a certified member of the Motor Carrier Compliance ~~Division~~ Enforcement Section or Georgia State Patrol. A certified officer shall report to the scene of a detained vehicle and take any further action deemed appropriate including completing the inspection and investigation, making an arrest, or bringing criminal or civil charges.

(d) A weight inspector is not a peace officer and shall not be authorized to carry a firearm or exercise any power of arrest other than a citizen's arrest in accordance with Code Sections 17-4-60 and 17-4-61. At all times while a weight inspector is on duty, there shall be a supervisor over the weight inspector also on duty who shall be a certified peace officer."

SECTION 8.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (4) of Code Section 40-2-1, relating to definitions applicable to registration and licensing of motor vehicles, as follows:

"(4) 'Motor carrier' means:

(A) Any entity subject to the terms of the Unified Carrier Registration Agreement pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate commerce, or both; or

(B) Any entity defined by the commissioner~~,~~ or commissioner of public safety~~, or Public Service Commission~~ who operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5~~, Title 46,~~ or this chapter whether operated in interstate or intrastate commerce, or both."

SECTION 9.

Said title is further amended by revising subsection (a) of Code Section 40-2-162, relating to formulas, rules, and apportionment of cost of annual license fees of motor buses to motor common carriers of passengers for hire operating partially outside state, as follows:

"(a) The commissioner shall apportion the cost of the annual fees for the licensing of motor buses to motor common carriers of passengers for hire operating a fleet of two or more motor buses either interstate, or both interstate and intrastate, under the authority of the ~~Interstate Commerce Commission or under authority of both the Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration and the ~~Public Service Commission~~ Department of Public Safety of this state. The apportionment shall be done so that the total cost of the fees shall bear the same proportion to the annual fees for motor buses as the total number of miles traveled by the fleet of the carrier in this state in both interstate and intrastate operations during the preceding year bears to the total number of miles traveled by the fleet during the year in both interstate and intrastate operations."

SECTION 10.

Said title is further amended by revising subsection (c) of Code Section 40-6-248.1, relating to securing loads on vehicles, as follows:

"(c) Nothing in this Code section nor any regulations based thereon shall conflict with federal~~, Georgia Public Service Commission,~~ Georgia Department of Public Safety, or Georgia Board of Public Safety regulations applying to the securing of loads on motor vehicles."

SECTION 11.

Said title is further amended by revising subsection (b) of Code Section 40-16-2, relating to the primary responsibilities of the Department of Driver Services, as follows:

"(b) Responsibility for the following functions formerly exercised by the Department of Motor Vehicle Safety is transferred as follows:

(1) Promulgation of regulations relating to the size and the weights of motor vehicles, trailers, and loads as provided for in Article 2 of Chapter 6 of Title 32 shall be vested in the Department of Transportation; and administrative enforcement of such regulations and the law enforcement function of apprehending and citing violators of such laws and regulations are transferred to the Department of Public Safety, as well as the function of promulgating regulations relative to its enforcement function;

(2) Enforcement of laws and regulations relating to licensing and fuel tax registration requirements is transferred to the Department of Public Safety;

(3) Administration of laws and regulations relating to certification of motor carriers and limousine carriers is transferred to the ~~Public Service Commission~~ Department of Public Safety and administration of laws and regulations relating to carrier registration and registration and titling of vehicles is transferred to the Department of Revenue;"

SECTION 12.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising Code Section 44-1-13, relating to removal of improperly parked cars or trespassing on personal property, as follows:

"44-1-13.

(a) As used in this Code section, the term:

(1) '~~Commission~~ Department' means the ~~Public Service Commission~~ Department of Public Safety.

(2) 'Private property' means any parcel or space of private real property.

(a.1) Any person or his or her authorized agent entitled to the possession of any private property shall have the right to remove or cause to be removed from the property any vehicle or trespassing personal property thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle or trespassing personal property, provided that there shall have been conspicuously posted on the private property notice that any vehicle or trespassing personal property which is not authorized to be at the place where it is found may be removed at the expense of the owner of the vehicle or trespassing personal property. Such notice shall also include information as to the location where the vehicle or personal property can be recovered, the cost of said recovery, and information as to the form of payment; provided, however, that the owner of residential private property containing not more than four residential units shall not be required to comply with the posting requirements of this subsection. Only towing and storage firms issued permits or licenses by the local governing authority of the jurisdiction in which they operate or by the ~~commission~~ department, and having a secure impoundment facility, shall be permitted to remove trespassing property and trespassing personal property at the request of the owner or authorized agent of the private property.

(b)(1) The ~~commission~~ department shall have the authorization to regulate and control the towing of trespassing vehicles on private property if such towing is performed without the prior consent or authorization of the owner or operator of the vehicle, including the authority to set just and reasonable rates, fares, and charges for services related to the removal, storage, and required notification to owners of such towed vehicles. No storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the property, and no such fees shall be allowed for the removal and storage of vehicles removed by towing and storage firms found to be in violation of this Code section. The ~~commission~~ department is authorized to impose a civil penalty for any violation of this Code section in an amount not to exceed $2,500.00.

(2) In accordance with subsection (d) of this Code section, the governing authority of a municipality may require towing and storage operators to charge lower maximum rates on traffic moving between points within such municipality than those provided by the ~~commission~~ department's maximum rate tariff and may require higher public liability insurance limits and cargo insurance limits than those required by the ~~commission~~ department. The governing authority of a municipality shall not provide

for higher maximum costs of removal, relocation, or storage than is provided for by the commission department.

(c) In all municipalities, except a consolidated city-county government, having a population of 100,000 or more according to the United States decennial census of 1970 or any future such census a person entitled to the possession of an off-street parking area or vacant lot within an area zoned commercial by the municipality shall have the right to remove any vehicle or trespassing personal property parked thereon after the regular activity on such property is concluded for the day only if access to such property from the public way is blocked by a sturdy chain, cable, or rope stretched at least 18 inches above grade across all driveways or other ways providing access to the off-street parking area or vacant lot and there is conspicuously posted in the area a notice, the location of which must be approved by the municipality's police department, that any vehicle or trespassing personal property parked thereon which is not authorized to be in such area may be removed at the expense of the owner along with information as to where the vehicle or trespassing personal property may be recovered, the cost of said recovery, and information regarding the form of payment.

(d)(1) In addition to the regulatory jurisdiction of the ~~commission~~ department, the governing authority of each municipality having towing and storage firms operating within its territorial boundaries may require and issue a license or permit to engage in private trespass towing within its corporate municipal limits pursuant to this Code section to any firm meeting the qualifications imposed by said governing authority. The fee for the license or permit shall be set by such governing authority. The maximum reasonable costs of removal, relocation, and storage pursuant to the provisions of this Code section shall be compensatory, as such term is used in the public utility rate-making procedures, and shall be established annually by the governing authority of each municipality having towing and storage firms operating within its territorial boundaries; provided, however, that no storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the property, and no such fees shall be allowed for the removal and storage of vehicles removed by towing and storage firms found to be in violation of this Code section.

(2) Towing and storage firms operating within a municipality's corporate limits shall obtain a nonconsensual towing permit from the ~~commission~~ department and shall file its registered agent's name and address with the ~~commission~~ department.

(e) Any person who suffers injury or damages as a result of a violation of this Code section may bring an action in any court of competent jurisdiction for actual damages, which shall be presumed to be not less than $100.00, together with court costs. A court shall award three times actual damages for an intentional violation of this Code section.

(f) It shall be unlawful and punishable by a fine of $1,000.00 for any towing and storage firm, permitted or unpermitted, licensed or unlicensed, to enter into any agreement with any person in possession of private property to provide automatic or systematic surveillance of such property for purposes of removal and relocation of any such vehicle or trespassing personal property except upon call by such person in

possession of such private property to such towing and storage firm for each individual case of trespass; provided, further, that it shall be unlawful and punishable by a fine of $1,000.00 for any towing and storage firm to pay to any private property owner or one in possession of private property any fee or emolument, directly or indirectly, for the right to remove a vehicle or trespassing personal property from said private property."

SECTION 13.

Said title is further amended by revising Code Section 44-7-59, relating to removal of transportable housing from lands subject to writ of possession, as follows:

"44-7-59.

If the court issues a writ of possession to property upon which the tenant has placed a manufactured home, mobile home, trailer, or other type of transportable housing and the tenant does not move the same within ten days after a final order is entered, the landlord shall be entitled to have such transportable housing moved from the property at the expense of the tenant by a motor common carrier licensed by the ~~Public Service Commission~~ Department of Public Safety for the transportation of manufactured housing. There shall be a lien upon such transportable housing to the extent of moving fees and storage expenses in favor of the person performing such services. Such lien may be claimed and foreclosed in the same manner as special liens on personalty by mechanics under Code Sections 44-14-363 and 44-14-550, except that storage fees not to exceed $4.00 per day shall be expressly allowed."

SECTION 14.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-1-1, relating to definitions, exclusions, and Georgia Forest Product Trucking Rules, as follows:

"46-1-1.

As used in this title, the term:

~~(1) 'Carrier' means a person who undertakes the transporting of goods or passengers for compensation.~~

~~(2)~~(1) 'Certificate' means a certificate of public convenience and necessity issued pursuant to this title.

~~(3)~~(2) 'Commission' means the Public Service Commission.

~~(4)~~(3) 'Company' shall include a corporation, a firm, a partnership, an association, or an individual.

~~(5)~~(4) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the commission.

~~(5.1) 'Exempt rideshare' means:~~

~~(A) Government endorsed rideshare programs;~~

~~(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or~~

~~(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare~~

~~program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph.~~

~~(6) 'For compensation' or 'for hire' means an activity wherein for payment or other compensation a motor vehicle and driver are furnished to a person by another person, acting directly or knowingly and willfully acting with another to provide the combined service of the vehicle and driver, and includes every person acting in concert with, under the control of, or under common control with a motor carrier who shall offer to furnish transportation for compensation or for hire, provided that no exempt rideshare shall be deemed to involve any element of transportation for compensation or for hire.~~

~~(6.1)~~(5) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this title to construct or operate any pipeline or distribution system, or any extension thereof, for the transportation, distribution, or sale of natural or manufactured gas.

~~(6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar rideshare operation conducted by or under the auspices of a state or local governmental transit instrumentality, such as GRTA, a transportation management association, or a community improvement district, or conducted under the auspices of such transit agencies, including through any form of contract between such transit instrumentality and private persons or businesses.~~

~~(6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself exempt from regulation as a carrier under Code Section 50-32-71.~~

~~(7) 'Household goods' means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the commission may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder.~~

~~(8) Reserved.~~

~~(9) 'Motor contract carrier and motor common carrier' means as follows:~~

~~(A) 'Motor contract carrier' means every person, except common carriers, owning, controlling, operating, or managing any motor propelled vehicle including the lessees or trustees of such persons or receivers appointed by any court used in the business of transporting persons or household goods or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public highway in this state. Vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8.~~

~~(B) 'Motor common carrier' means every person owning, controlling, operating, or managing any motor propelled vehicle, and the lessees, receivers, or trustees of such person, used in the business of transporting for hire of persons or household goods, or both, or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13, otherwise than over permanent rail tracks, on the public highways~~

~~of Georgia as a common carrier. The term includes, but is not limited to, limousine carriers as defined in paragraph (5) of Code Section 46-7-85.1.~~

~~(C) Except as otherwise provided in this subparagraph, the terms 'motor common carrier' and 'motor contract carrier' shall not include:~~

~~(i) Motor vehicles engaged solely in transporting school children and teachers to and from public schools and private schools;~~

~~(ii) Taxicabs which operate within the corporate limits of municipalities and are subject to regulation by the governing authorities of such municipalities; the provisions of this division notwithstanding, vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8;~~

~~(iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons and employees of such hotel;~~

~~(iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly and disabled passengers or employees under a corporate sponsored van pool program, except that a vehicle owned by the driver may be operated for profit when such driver is traveling to and from his or her place of work provided each such vehicle carrying more than nine passengers maintains liability insurance in an amount of not less than $100,000.00 per person and $300,000.00 per accident and $50,000.00 property damage. For the purposes of this division, elderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected;~~

~~(v) Reserved;~~

~~(vi) Reserved;~~

~~(vii) Reserved;~~

~~(viii) Motor vehicles owned and operated exclusively by the United States government or by this state or any subdivision thereof;~~

~~(ix) Reserved;~~

~~(x) Reserved;~~

~~(xi) Reserved;~~

~~(xii) Reserved;~~

~~(xiii) Vehicles, owned or operated by the federal or state government, or by any agency, instrumentality, or political subdivision of the federal or state government, or privately owned and operated for profit or not for profit, capable of transporting not more than ten persons for hire when such vehicles are used exclusively to transport persons who are elderly, disabled, en route to receive medical care or prescription medication, or returning after receiving medical care or prescription medication. For the purpose of this division, elderly and disabled persons shall have the same meaning as in division (iv) of this subparagraph;~~

~~(xiv) Reserved; or~~

~~(xv) Ambulances.~~

~~(10) 'Passenger' means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that which is accepted as an equivalent therefor. The prepayment of fare is not necessary to establish the relationship of passenger and carrier; although a carrier may demand prepayment of fare if persons enter his or her vehicle by his or her permission with the intention of being carried; in the absence of such a demand, an obligation to pay fare is implied on the part of the passenger, and the reciprocal obligation of carriage of the carrier arises upon the entry of the passenger.~~

~~(11) Reserved.~~

~~(12)~~(6) 'Person' means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.

~~(13) Reserved.~~

~~(14) 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.~~

~~(15)~~(7) 'Railroad corporation' or 'railroad company' means all corporations, companies, or individuals owning or operating any railroad in this state. This title shall apply to all persons, firms, and companies, and to all associations of persons, whether incorporated or otherwise, that engage in business as common carriers upon any of the lines of railroad in this state, as well as to railroad corporations and railroad companies as defined in this Code section.

~~(16)~~(8) 'Rate,' when used in this title with respect to an electric utility, means any rate, charge, classification, or service of an electric utility or any rule or regulation relating thereto.

~~(17)~~(9) 'Utility' means any person who is subject in any way to the lawful jurisdiction of the commission.

~~(18) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the commission.~~"

SECTION 15.

Said title is further amended by revising Code Section 46-3-38, relating to applicability of part to moving or transportation of houses or buildings, as follows:

"46-3-38.

In addition to the exceptions set forth in Code Section 46-3-37, this part shall not be construed as applying to and shall not apply to the moving or transportation of houses or buildings or parts thereof when such moving is under the jurisdiction of, and is undertaken pursuant to authority granted by, the ~~Georgia Public Service Commission~~ Department of Public Safety."

SECTION 16.

Said title is further amended by repealing Chapter 7, relating to motor carriers, and designating said chapter as reserved.

SECTION 17.

Said title is further amended by repealing Code Section 46-9-6, relating to limitations of actions against carriers for recovery of overcharges, requirements regarding rates, charges, and claims for loss or damage, and designating said Code section as reserved.

SECTION 18.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising division (5)(B)(ii) of Code Section 48-8-3, relating to exemptions from the state sales and use tax, as follows:

"(ii) 'Urban transit system' means a public transit system primarily urban in character which is operated by a street railroad company or a motor ~~common~~ carrier, is subject to the jurisdiction of the ~~Public Service Commission~~ Department of Public Safety, and whose fares and charges are regulated by the ~~Public Service Commission~~ Department of Public Safety, or is operated pursuant to a franchise contract with a municipality of this state so that its fares and charges are regulated by or are subject to the approval of the municipality. An urban transit system certificate shall be issued by the ~~Public Service Commission~~ Department of Public Safety, or by the municipality which has regulatory authority, upon an affirmative showing that the applicant operates an urban transit system. The certificate shall be obtained and filed with the commissioner and shall continue in effect so long as the holder of such certificate qualifies as an urban transit system. Any urban transit system certificate granted prior to January 1, 2002, shall be deemed valid as of the date it was issued;"

SECTION 19.

Said title is further amended by revising Code Section 48-8-93, relating to nonimposition of tax on property ordered by and delivered to a purchaser outside a special district and conditions of delivery, as follows:

"48-8-93.

No tax provided for in Code Section 48-8-82 shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the joint tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration or the Georgia ~~Public Service Commission~~ Department of Public Safety."

SECTION 20.

Said title is further amended by revising Code Section 48-8-107, relating to property ordered by and delivered to a purchaser at a point outside the geographical area of a special district in which tax is imposed, as follows:

"48-8-107.

No sales and use tax provided for in Code Section 48-8-102 shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the sales and use tax is imposed under this article regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration or the Georgia ~~Public Service Commission~~ Department of Public Safety."

SECTION 21.

Said title is further amended by revising Code Section 48-8-117, relating inapplicability of tax to certain sales of tangible personal property outside the taxing county, as follows:

"48-8-117.

No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration or the ~~Georgia Public Service Commission~~ Georgia Department of Public Safety."

SECTION 22.

Said title is further amended by revising Code Section 48-8-208, relating to no tax on products ordered and delivered outside geographical area of a municipality, as follows:

"48-8-208.

No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the municipality in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Federal Highway Administration~~ Federal Motor Carrier Safety Administration or the ~~Georgia Public Service Commission~~ Georgia Department of Public Safety."

SECTION 23.

Said title is further amended by revising Code Section 48-8-253, relating to nonimposition of tax on property ordered by and delivered to purchaser outside special district and conditions on delivery, as follows:

"48-8-253.

No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Surface Transportation Board~~ Federal Motor Carrier Safety Administration or the ~~Georgia Public Service Commission~~ Georgia Department of Public Safety."

SECTION 24.

Said title is further amended by revising subsection (a) of Code Section 48-13-16, relating to excluded businesses or practitioners and other laws on occupation taxes or registration fees of local governments not repealed, as follows:

"(a) The following businesses or practitioners shall be excluded from occupation tax, registration fees, or regulatory fees under the provisions of this article but shall be subject to taxation and regulation as otherwise provided by general law and municipal charters:

(1) Those businesses regulated by the Georgia Public Service Commission and the Georgia Department of Public Safety;

(2) Those electrical service businesses organized under Chapter 3 of Title 46; and

(3) Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness."

SECTION 25.

Said title is further amended by revising subsection (b) of Code Section 48-13-18, relating to levy by municipalities of occupation taxes on licensed businesses, trades, and professions and prohibition of municipal licensing or taxation of businesses, trades, or operations operating registered vehicles, as follows:

"(b) Nothing contained in this Code section shall be construed to authorize the municipal licensing or taxation of businesses, trades, or occupations operating motor vehicles required to be registered with the ~~Public Service Commission~~ Department of Public Safety of this state."

SECTION 26.

Article 6 of Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to construction of Chapter 32, the "Georgia Regional Transportation Authority Act," is amended by revising Code Section 50-32-71, relating to exemption of buses, motor vehicles, and rapid rail systems of the authority from motor carrier regulations, as follows:

"50-32-71.

No provision of ~~Chapter 7 of Title 46~~ Chapter 1 of Title 40 shall apply to any bus, other motor vehicle, or rapid rail system of the authority which provides transit services."

PART III
Effective Date and Repealer.
SECTION 27.

This Act shall become effective on July 1, 2012.

SECTION 28.

All laws and parts of laws in conflict with this Act are repealed.

Representative Powell of the 29th moved that the House agree to the Senate substitute to HB 865.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	N Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	N Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	N Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 167, nays 5.

The motion prevailed.

Representatives Clark of the 98th and Dunahoo of the 25th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Under the general order of business, the following Bill of the Senate, having previously been read, was again taken up for consideration:

SB 410. By Senators Williams of the 19th, Mullis of the 53rd, Rogers of the 21st, Jeffares of the 17th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 3 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to an accountability assessment for K-12 education, so as to provide for annual indicators of the quality of learning by students, financial efficiency, and school climate for individual schools and for school systems; to provide for individual school and school system numerical score ratings based on student achievement, achievement gap closure, and student progress; to require that a letter grade be assigned to each school and school system and included on school and school system report cards; to revise provisions relating to awards and interventions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Committee substitute was previously read and adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	N Davis	N Heckstall	Y Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	N McCall	Y Sheldon
E Amerson	N Dickerson	N Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	N Smith, R
N Beasley-Teague	Y Dudgeon	N Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	Y Smyre
N Benfield	Y Dunahoo	N Hudson	N Neal, Y	Y Spencer

N Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	N Epps, C	E James	N O'Neal	N Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	N Johnson	Y Parrish	N Taylor, R
Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	N Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	N Kendrick	N Pruett	N Watson
Y Carter	Y Golick	E Kidd	Y Purcell	N Welch
Y Casas	N Gordon	Y Kirby	Ramsey	Weldon
Channell	Y Greene	Y Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	N Willard
N Clark, V	Y Harbin	Y Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	N Maddox, B	N Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 94, nays 67.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Cooper of the 41st stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Watson of the 163rd stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Bills and Resolution of the House were taken up for the purpose of considering the Senate action thereon:

HB 916. By Representatives Knight of the 126th, England of the 108th, McCall of the 30th, Roberts of the 154th and Buckner of the 130th:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to change certain qualifications and restrictions regarding covenants; to provide for exceptions; to provide for a definition; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate offers the following amendment:

Amend LC 34 3393S HB 916 by

Adding 1A after line 202 stating: The governing authority of a county shall not publish or promulgate any information which is inconsistent with the provisions of this Chapter.

Renumber accordingly.

Senate Amendment #2

The Senate offers the following amendment:

Amend LC 34 3393S to HB 916 by adding on line 164, after property;

Reasonable notice shall be provided to the property owner before being allowed a visual, on-site inspection of the property by the tax assessor.

Renumber accordingly.

Senate Amendment #3

The Senate offers the following amendment:

Amend HB 916 by

deleting “25” on line 154 and inserting “10”.

Representative Knight of the 126th moved that the House agree to the Senate amendments to HB 916.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Mitchell	Y Smith, E
N Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Baker	Y Dollar	N Holt	Morris	Y Smith, L

Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
N Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Collins
Y Cooke
Y Coomer
Cooper
Y Crawford
Y Drenner
Dudgeon
Y Dukes
N Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
N Horne
Y Houston
Y Howard
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Jordan
Y Kaiser
Y Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Manning
Marin
N Martin
Y Maxwell
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
N Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Y Smith, R
Y Smith, T
Y Smyre
N Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
N Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 154, nays 10.

The motion prevailed.

HB 332. By Representative Parsons of the 42nd:

A BILL to be entitled an Act to amend Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, so as to eliminate unnecessary regulation by revising certain provisions related to such fund; to provide for an effective date, to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, so as to provide requirements for showing contributions on

customers' bills; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, is amended by revising subsection (g) as follows:

"(g) A local exchange company or other company shall not establish a surcharge on customers' bills to collect ~~from customers'~~ contributions required under this Code section without first submitting to the Public Service Commission the methodology and data used by such company for approval by the commission and upon a showing to the commission that the surcharge does not result in an increase in the company's service rates; provided, however, that such company shall not be required to submit for approval separate line items or surcharges that are specifically authorized or required by federal law or other provisions of state law."

SECTION 2.

This Act shall become effective January 1, 2013.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Parsons of the 42nd moved that the House agree to the Senate substitute to HB 332.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R

Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	N Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 165, nays 1.

The motion prevailed.

The Speaker Pro Tem assumed the Chair.

HB 933. By Representatives Rogers of the 26th, Williams of the 4th and Brockway of the 101st:

A BILL to be entitled an Act to amend Code Section 10-14-7 of the Official Code of Georgia Annotated, relating to preneed escrow accounts, so as provide for the release of funds from an escrow account when a monument is placed into a bonded memorial storage program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and funeral services, and Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to funeral directors and establishments, embalmers, and crematories, so as to modify provisions relating to funeral directors and cemeterians; to provide for the release of funds from an escrow account when a monument is placed into a bonded memorial storage program; to allow for electronic signatures for funeral services and related preneed contracts; to clarify definitions relating to funeral services; to clarify registration requirements for preneed dealers; to provide for the oversight of funeral service preneed providers by the State Board of Funeral Service; to provide for

related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and funeral services, is amended in Code Section 10-14-3, relating to definitions applicable to cemetery and funeral services, by revising paragraphs (12) and (17) and by adding a new paragraph to read as follows:

"(12) 'Cremation' includes any mechanical, chemical, ~~or~~ thermal, or other professionally accepted process whereby a deceased human being is reduced to ashes. Cremation also includes any other mechanical, chemical, ~~or~~ thermal, or other professionally accepted process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity."

"(16.1) 'Funeral director in full and continuous charge' means a funeral director who is approved by the State Board of Funeral Service to assume full responsibility for the operations of a particular funeral establishment and who shall ensure that said establishment complies with this chapter and with all rules promulgated pursuant thereto as provided in Chapter 18 of Title 43.

(17) 'Funeral service' means any service relating to the transportation, embalming, cremation, and interment of a deceased human being, as further described in ~~paragraphs (10), (18), and (19) of~~ Code Section 43-18-1."

SECTION 2.

Said chapter is further amended by revising subsection (c) of Code Section 10-14-18, relating to duties of registrant and written contract, as follows:

"(c) The written contract shall be completed prior to the signing of the contract by the customer and a copy of the contract shall be provided to the customer. As used in this subsection, the term 'signing' includes any manual, facsimile, conformed, or electronic signature, and the term 'electronic signature' means an electronic symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document."

SECTION 3.

Article 1 of Chapter 18 of Title 43 of the Official Code of Georgia Annotated, relating to funeral directors and establishments, embalmers, and crematories, is amended by revising paragraphs (5) and (10) of Code Section 43-18-1, relating to definitions pertaining to funeral directors and establishments, embalmers, and crematories, as follows:

"(5) 'Cremation' means the reduction of the dead human body to residue by intense heat or any mechanical, chemical, thermal, or other professionally accepted process. Cremation also includes any other mechanical, chemical, thermal, or other

professionally accepted process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity."

"(10) 'Funeral' or 'funeral services' means the observances, services, or ceremonies held for dead human bodies and includes any service relating to the transportation, embalming, cremation, and interment of a dead human body."

SECTION 4.

Said article is further amended by revising paragraph (19) of Code Section 43-18-46, relating to grounds for denial or revocation of license or registration, and other discipline, as follows:

"(19) Promoting or participating in a burial, funeral, or cremation society, burial, funeral, or cremation association, burial certificate plan, ~~or~~ burial membership plan, or other similar societies, plans, or associations;"

SECTION 5.

Said article is further amended by revising subsection (c) of Code Section 43-18-50, relating to application for funeral service apprenticeship and period of apprenticeship, as follows:

"(c) The total period of apprenticeship shall be 3,120 hours and must be served in a minimum of 18 months, but the minimum period shall be in addition to the time required to graduate from a college of funeral service or other college pursuant to paragraph (1) of subsection (b) of Code Section 43-18-41. An apprentice shall be authorized to earn apprenticeship hours in an amount to be determined by the board while attending a postgraduate school or a program at an accredited college of funeral service or other college approved by the board."

SECTION 6.

Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and funeral services, is amended by revising paragraph (2) of Code Section 10-14-3, relating to definitions applicable to cemetery and funeral services, as follows:

"(2) ~~'Board' means~~ 'Boards' mean the State Board of Cemeterians as described and authorized in Chapter 8B of Title 43 and the State Board of Funeral Service as described and authorized in Chapter 18 of Title 43."

SECTION 7.

Said chapter is further amended by revising Code Section 10-14-3.1, relating to the authority of the State Board of Cemeterians, as follows:

"10-14-3.1.

The ~~board~~ boards shall have all administrative powers and other powers necessary to carry out the provisions of this chapter, including the authority to promulgate rules and regulations, and the Secretary of State shall delegate to the ~~board~~ boards all such duties otherwise entrusted to the Secretary of State; provided, however, that the Secretary of State shall have ~~sole~~ authority over matters relating to the regulation of funds, trust

funds, and escrow accounts and accounting and investigations concerning such matters but shall delegate authority to the appropriate board for the review of such investigations and the determination as to disciplinary matters, necessary sanctions, and the enforcement of such decisions and sanctions. The State Board of Funeral Service shall have authority to promulgate rules and regulations and make disciplinary and sanctioning decisions relating to funeral services and persons other than cemeterians who offer for sale or sell burial or funeral merchandise. The State Board of Cemeterians shall have authority to promulgate rules and regulations and make disciplinary and sanctioning decisions relating to cemeteries and cemeterians. The Secretary of State shall delegate to each board according to such duties and responsibilities of the boards."

SECTION 8.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 10-14-4, relating to registration of dealers and cemeteries, perpetual care cemeteries trust funds, nonperpetual care cemeteries, and preneed escrow accounts, as follows:

"(2) Every person desiring to be a registered preneed dealer, other than a person already licensed by the Board of Funeral Service as a funeral services director in full and continuous charge or an owner of a cemetery licensed by the State Board of Cemeterians as a cemeterian, shall file with the Secretary of State a registration application in a form prescribed by the Secretary of State, executed and duly verified under oath by the applicant, if the applicant is an individual, or by an executive officer or general partner, if the applicant is a corporation or partnership, or by an individual of similar authority, if the applicant is some other entity, and containing the following information:

(A) The name of the applicant;

(B) The location, mailing address, and telephone number of the applicant's principal business location in Georgia and the same information for other locations where business is conducted, together with any trade names associated with each location;

(C) All locations of the records of the applicant which relate to preneed sales in Georgia;

(D) If the applicant is not a natural person, the names of the president, secretary, and registered agent if the applicant is a corporation, of each general partner if the applicant is a partnership, or of individuals of similar authority, if the applicant is some other entity and their respective addresses and telephone numbers; the name and address of each person who owns 10 percent or more of any class of ownership interest in the applicant and the percentage of such interest; and the date of formation and the jurisdiction of organization of the applicant;

(E) A certified copy of a certificate of existence or certificate of authority issued in accordance with Code Section 14-2-128 if the applicant is a corporation;

(F) A description of any judgment or pending litigation to which the applicant or any affiliate of the applicant is a party and which involves the operation of the

applicant's preneed business in Georgia or which could materially affect the business or assets of the applicant;

(G) Whether the applicant or any affiliate of the applicant owns any other entities in Georgia regulated by this chapter and, if so, the location, mailing address, telephone number, and type of registration of such other entities;

(H) A consent to service of process meeting the requirements of Code Section 10-14-24 for actions brought by the State of Georgia;

(I) A list of each individual employed, appointed, or authorized by the applicant to offer for sale or to sell any grave lots, burial rights, burial or funeral merchandise, or burial services on behalf of the applicant;

(J) A balance sheet of the applicant dated as of the end of the most recent fiscal year and in no event dated more than 15 months prior to the date of filing, which the Secretary of State shall treat as confidential and not open to public inspection;

(K) The name, address, location, and telephone number of the preneed escrow account depository or depositories, the names of the accounts, and the account numbers;

(L) An executed copy of the escrow agreement required by Code Section 10-14-7;

(M) The name, address, and telephone number of the escrow agent;

(N) Such other information and documents as the Secretary of State may require by rule; and

(O) A filing fee of $250.00.

The provisions of this chapter notwithstanding, a person licensed by the Board of Funeral Service as a funeral services director in full and continuous charge or an owner of a cemetery licensed by the State Board of Cemeterians as a cemeterian shall not be required to separately register as a preneed dealer; such person shall be deemed registered by virtue of obtaining and maintaining such license."

SECTION 9.

Said chapter is further amended by revising Code Section 10-14-5, relating to preneed sales agents, contracts, and retention of employee data, as follows:

"10-14-5.

(a) All individuals who offer preneed contracts to the public, or who execute preneed contracts on behalf of any entity required to be registered as a preneed dealer, and all individuals who offer, sell, or sign contracts for the preneed sale of burial rights shall be registered with the Secretary of State as preneed sales agents, pursuant to this Code section, unless such individuals are exempted under this chapter or individually own a controlling interest in a preneed dealer registered under this chapter. For purposes of this Code section, any person licensed by or registered with the Board of Funeral Service as a funeral services director in full and continuous charge or an owner of a cemetery licensed by the State Board of Cemeterians as a cemeterian shall be deemed a registered preneed dealer by virtue of obtaining and maintaining such license.

(b) All preneed sales agents must be employed by a registered preneed dealer.

(c) A preneed dealer shall be liable for the activities of all preneed sales agents who are employed by the preneed dealer or who perform any type of preneed related activity on behalf of the preneed dealer. If a preneed sales agent violates any provision of this chapter, such preneed sales agent and each preneed dealer who employs such preneed sales agent shall be subject to the penalties and remedies set out in Code Sections 10-14-11, 10-14-19, 10-14-20, and 10-14-21.

(d) A preneed sales agent may be authorized to sell, offer, and execute preneed contracts on behalf of all entities owned or operated by the agent's sponsoring preneed dealer.

(e) If the application for his or her registration is sent by certified mail, return receipt requested, or statutory overnight delivery, an individual may begin functioning as a preneed sales agent as soon as a completed application for registration, as set forth in subsection (g) of this Code section, is ~~mailed~~ submitted to the Secretary of State, provided that, if any such sales agent fails to meet the qualifications set forth in this chapter, the preneed dealer shall immediately upon notification by the Secretary of State cause such agent to cease any sales activity on its behalf.

(f) The qualifications for a preneed sales agent are as follows:

(1) The applicant must be at least 18 years of age;

(2) The applicant must not be subject to any order of the Secretary of State that restricts his or her ability to be registered as a preneed sales agent; and

(3) The applicant must not have been adjudicated, civilly or criminally, to have committed fraud or to have violated any law of any state involving fair trade or business practices, have been convicted of a misdemeanor of which fraud is an essential element or which involves any aspect of the funeral or cemetery business, or have been convicted of a felony.

(g) An application for registration as a preneed sales agent shall be submitted to the Secretary of State with an application fee of $100.00 by the preneed dealer on a form that has been designated by the Secretary of State and shall contain, at a minimum, the following:

(1) The name, address, social security number, and date of birth of the applicant and such other information as the Secretary of State may reasonably require of the applicant;

(2) The name, address, and license number of the sponsoring preneed dealer;

(3) A representation, signed by the applicant, that the applicant meets the requirements set forth in subsection (f) of this Code section;

(4) A representation, signed by the preneed dealer, that the applicant is authorized to offer, sell, and sign preneed contracts on behalf of the preneed dealer and that the preneed dealer has informed the applicant of the requirements and prohibitions of this chapter relating to preneed sales, the provisions of the preneed dealer's preneed contract, and the nature of the merchandise, services, or burial rights sold by the preneed dealer;

(5) A statement indicating whether the applicant has any type of working relationship with any other preneed dealer or insurance company; and

(6) A signed agreement by the applicant consenting to an investigation of his or her background with regard to the matters set forth in this Code section, including, without limitation, his or her criminal history.

(h) An individual may be registered as a preneed sales agent on behalf of more than one preneed dealer, provided that the individual has received the written consent of all such preneed dealers.

(i) A preneed dealer who has registered a preneed sales agent shall notify the Secretary of State within three business days of a change in such individual's status as a preneed sales agent with such preneed dealer or upon the occurrence of any other event which would disqualify the individual as a preneed sales agent.

(j) Upon receipt and review of an application that complies with all of the requirements of this Code section, the Secretary of State shall register the applicant. The ~~department~~ Secretary of State shall by rule provide for annual renewal of registration and a renewal fee of $50.00.

(k) Each cemetery registered under this chapter shall maintain in its files for a period of five years a properly completed and executed application for employment in a form prescribed by the Secretary of State for each employee, officer, independent contractor, or other agent directly or indirectly involved in cemetery or preneed sales or any person occupying a similar status or performing similar functions. If a request is made, said forms shall be made available for inspection by authorized representatives of the Secretary of State."

SECTION 10.

Said chapter is further amended by adding a new Code section to read as follows:

"10-14-5.1.

Any preneed insurance policy contract provided by a licensed insurance agent shall not reference or state the name of any funeral service provider, funeral director, or funeral establishment unless such contract is signed by the director of such establishment so named in the agreement. Any preneed insurance policy contract shall be signed by the insurance agent, consumer, and licensed funeral director of the funeral establishment named in said agreement. When a funeral establishment is named in a preneed insurance policy, the named funeral establishment shall be designated the assignee of the insurance benefit funds."

SECTION 11.

Said chapter is further amended by revising Code Section 10-14-7, relating to preneed escrow accounts, as follows:

"10-14-7.

(a)(1) The provisions of this Code section shall apply only to preneed dealers not governed by the provisions of Code Section 10-14-7.1. Each such preneed dealer which sells burial or funeral merchandise on a preneed basis or preneed burial or funeral services shall establish and maintain a trust or a preneed escrow account.

(2) With respect to each monument, ~~and~~ outer burial container, bench, coping, and other burial and funeral merchandise items except for caskets, and except as otherwise provided in paragraph (3) of this subsection, the amount to be deposited to said trust or escrow account shall be not less than 35 percent of the sales price of such monument or outer burial container; in no event shall the amount deposited be less than 110 percent of the wholesale price of such ~~monument or outer burial container~~ items. For ~~any other burial or funeral merchandise~~ caskets, the amount to be deposited to said trust or escrow account shall be not less than 100 percent of the sales price of such merchandise; in no event shall the amount deposited be less than 110 percent of the wholesale price of such merchandise. If the contract of sale shall include grave spaces or items not deemed to be burial or funeral merchandise, the portion of the sales price attributable to the sale of the burial or funeral merchandise shall be determined, and it shall only be as to such portion of the total contract as constitutes burial or funeral merchandise that the deposit described in this paragraph shall be required. In the event that the sale of burial or funeral merchandise is under an installment contract, the required trust deposit shall be a pro rata part of the principal portion of each installment payment, such deposit only being required as payments are made by the purchaser for such burial or funeral merchandise. In the event the installment contract is discounted or sold to a third party, the seller shall be required to deposit an amount equal to the undeposited portion of the required deposit of the sales price of such burial or funeral merchandise at such time as if the contract were paid in full.

(3) With respect to a monument, ~~or~~ outer burial container, bench, coping, and other burial and funeral merchandise items except for caskets, the itemized sales price of which does not include the installation of such item, 100 percent of the installation cost shall be deposited in the trust or escrow account.

(4) With respect to cash advance items and the sale of preneed funeral or burial services, the amount to be deposited to said trust or escrow account shall be 100 percent of the sales price of such funeral or burial services or the full amount of a cash advance item. The time and manner of deposit shall be the same as that specified for deposit of burial or funeral merchandise sale funds to the escrow account.

(b) The deposit specified in paragraphs (2) and (3) of subsection (a) of this Code section shall be made not later than 30 days following the last day of the month in which any payment is received.

(c)(1) The preneed trust or escrow account shall be established and maintained in a state bank, state savings and loan institution, savings bank, national bank, federal savings and loan association, whose deposits are insured by the Federal Deposit Insurance Corporation or other governmental agency, or a state or federally chartered credit union insured under 12 U.S.C. Section 1781 of the Federal Credit Union Act, or other organization approved by the Secretary of State which is located and doing business in this state.

(2) If the account is maintained with a trustee, the assets of the trust account shall be invested and reinvested by the trustee subject to all the terms, conditions, limitations,

and restrictions imposed by Georgia law upon executors and trustees regarding the making and depositing of investments with trust moneys pursuant to Code Sections 53-8-1 through 53-8-4 of the 'Pre-1998 Probate Code,' if applicable, or Code Section 53-8-1 of the 'Revised Probate Code of 1998.' Subject to said terms, conditions, limitations, and restrictions, the trustee of the preneed accounts shall have full power to hold, purchase, sell, assign, transfer, reinvest, and dispose of any of the securities and investments in which any of the assets of said account are invested, including proceeds of investments.

(d)(1) For burial or funeral merchandise, funds ~~Funds~~ shall be released from the trust or escrow account when the burial or funeral merchandise is delivered ~~at the time of need or to the purchaser at the purchaser's request or, in the case of a monument, attached to realty, or at such times as described in the rules and regulations promulgated by the Secretary of State, not exceeding the lesser of 30 days from receipt of application for release or the time within which a preneed dealer is required by law to provide a refund to a purchaser. A preneed dealer is prohibited from requiring preneed delivery to the consumer as a condition of the sale. Outer burial containers may not be delivered prior to need~~ or, if the burial or funeral merchandise is not yet delivered, within the time required by law after a purchaser requests a refund. The preneed dealer is considered to have delivered burial or funeral merchandise when the burial or funeral merchandise is:

(A) Actually delivered to the purchaser at the time of need;

(B) Actually delivered to the purchaser at the purchaser's request;

(C) In the case of a monument, when the monument is attached to realty; or

(D) In the case of a monument, when the preneed dealer has the monument manufactured for the purchaser and placed into storage with a responsible third party bonded and insured for the wholesale value thereof and evidence by a receipt specifically identifying the monument, the specific preneed contract, the location of the monument, and identify and address of the bonding and insuring parties.

Notwithstanding the foregoing, outer burial containers may not be delivered prior to need.

(2) Deposits made from funds received in payment of preneed services shall remain in the trust or escrow account until such services are performed, at which time said funds may be released to the preneed dealer. The trustee may require certification by the preneed dealer of delivery of merchandise or performance of services before release of funds.

~~(2)~~(3) The funds on deposit under the terms of this subsection shall be deemed and regarded as trust or escrow funds pending delivery of the burial or funeral merchandise concerned and said funds may not be pledged, hypothecated, transferred, or in any manner encumbered by the trust or escrow agent nor may said funds be offset or taken for the debts of the preneed dealer until such time as the merchandise has been delivered or the services performed~~;~~, but after delivery of the burial or funeral merchandise concerned.

(e) At any time, in the event that the preneed trust or escrow account contains an amount less than the amount required by this Code section, the preneed dealer shall, within 15 days after the earlier of becoming aware of such fact or having been so notified by the Secretary of State, deposit into the preneed account an amount equal to such shortfall. In the event that the Secretary of State and the preneed dealer disagree regarding the amount of such shortfall, no penalty shall be imposed upon the preneed dealer for any failure to comply with this provision unless such failure occurs after notice and opportunity for a hearing as provided in Code Section 10-14-23.

~~(e.1)~~(f) In the case of release of trust or escrowed funds to a purchaser at the purchaser's request pursuant to paragraph (1) of subsection (d) of this Code section, a sum not less than the lesser of 10 percent of the escrowed amount or one-half of the interest earned upon such funds as of the date of release, as provided by the Secretary of State by rule or regulation, may be retained by the preneed dealer as an administrative fee for reimbursement of the preneed dealer for costs.

~~(f)~~(g) Upon a finding by a court of competent jurisdiction of failure to deposit or maintain funds in the preneed trust or escrow account as required by this chapter or of fraud, theft, or other misconduct by the preneed dealer or the officers or directors of the preneed dealer which has wasted or depleted such funds, the preneed dealer or the officers or directors of the preneed dealer may be held jointly and severally liable for any deficiencies in the preneed trust or escrow account."

SECTION 12.

Said chapter is further amended by adding a new Code section to read as follows:

"10-14-7.1.

(a) Notwithstanding any provision to the contrary contained in Chapter 1 of Title 7, the 'Financial Institutions Code of Georgia,' or in any other provision of law, a funeral establishment or a funeral director in full and continuous charge or his or her agent, representative, or employee may provide for funds to be deposited with a depository institution in accordance with this Code section and placed in an individual trust fund account that is:

(1) Titled in the name of a funeral establishment;

(2) Established for the purpose of providing preneed funeral services;

(3) Payable upon the death of the purchaser in favor of a funeral establishment for purposes of providing funeral services; and

(4) Refundable to the purchaser's designee or the estate of the deceased, such that 100 percent of the trust funds following a deduction of any amounts paid or owing as taxes and a 3 percent charge for administrative costs shall be returned to the designee or estate where funeral services are not provided by the funeral establishment.

(b)(1) One hundred percent of funds to be held in trust shall be deposited in the trust account. The deposit of such funds shall be made not later than 30 days following the last day of the month in which any payment is received. Trust fund accounts shall be established and maintained in a state bank, state savings and loan institution, savings bank, national bank, federal savings and loan association, whose deposits are insured

by the Federal Deposit Insurance Corporation or other governmental agency, or a state or federally chartered credit union insured under 12 U.S.C. Section 1781 of the Federal Credit Union Act, or other organization approved by the Secretary of State which is located and doing business in this state.

(2)(A) If the account is maintained with a trustee, the assets of the trust account shall be invested and reinvested by the trust agent subject to all the terms, conditions, limitations, and restrictions imposed by Georgia law upon executors and trustees regarding the making and depositing of investments with trust moneys and subject to the limitations and restrictions imposed pursuant to this Code section.

(B) Subject to said terms, conditions, limitations, and restrictions, the trust agent of the a preneed account shall have full power to hold, purchase, sell, assign, transfer, reinvest, and dispose of any of the securities and investments in which any of the assets of said account are invested, including proceeds of investments. Unless otherwise expressly provided in the will, a personal representative shall be authorized to invest funds in:

(i) Interest-bearing deposits in any chartered state or national bank or trust company or savings and loan association located in this state to the extent the deposits are insured by the Federal Deposit Insurance Corporation or comparable insurance; and

(ii) Direct and general obligations of the United States government, obligations unconditionally guaranteed by the United States government, and obligations of the agencies of the United States government enumerated in Code Section 53-8-3. The personal representative may invest in and hold such obligations either directly or in the form of securities or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, as now or hereafter amended, so long as:

(I) The portfolio of such investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations;

(II) Such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian; and

(III) Such investment company or investment trust is operated so as to provide a constant net asset value or price per share.

(C) In making any other investments and in acquiring and retaining those investments and managing the property of the estate, the personal representative shall exercise the judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

(3) In the event that the sale of burial or funeral merchandise is under an installment contract, the required trust deposit shall be a pro rata part of the principal portion of

each installment payment, such deposit only being required as payments are made by the purchaser for such burial or funeral merchandise.

(c) Any person holding money in trust pursuant to this Code section shall first be required to register with the Secretary of State and pay an annual registration fee of $100.00 for the reimbursement of the office for administrative costs. The Secretary of State shall establish rules and regulations for investments of trust funds as necessary to preserve the corpus and income of such a fund and for determining what restrictions are necessary for such purposes.

(d) Upon a finding by a court of competent jurisdiction of failure to deposit or maintain funds in the trust account as required by this Code section or of fraud, theft, or misconduct by a funeral establishment or a funeral director or his or her employee, representative, or agent which has wasted or depleted such funds, the funeral establishment owners, funeral director, or employee, representative, or agent of a funeral director or establishment may be held jointly and severally liable for any deficiencies in the trust account.

(e) Any other provision of law notwithstanding, a trust fund account established and maintained under this Code section and the moneys contained therein shall not be deemed an asset or income for purposes of recapture of income or funds owed or for any other purpose.

(f) Nothing contained herein shall preclude a licensed funeral director in full and continuous charge from maintaining an escrow account with aggregate escrow funds for 100 percent of any preneed contract amount for purposes of passing through funds within 60 days to a trust fund account or payment of a policy of insurance for preneed services."

SECTION 13.

This Act shall become effective on July 1, 2012.

SECTION 14.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Rogers of the 26th offers the following amendment:

Amend the Senate Regulated Industries and Utilities Committee substitute to HB 933 (LC 36 2188ERS) by deleting lines 53 through 57 and inserting in lieu thereof the following:

Reserved.

By deleting lines 83 through 93 and inserting in lieu thereof the following:

shall have sole authority over matters relating to the regulation of funds, trust funds, and escrow accounts and accounting and investigations concerning such matters but may delegate authority to the appropriate board for the review of such investigations and the

determination as to disciplinary matters, necessary sanctions, and the enforcement of such decisions and sanctions. The State Board of Funeral Service shall have authority to promulgate rules and regulations and make disciplinary and sanctioning decisions relating to funeral services or funeral merchandise. The State Board of Cemeterians shall have authority to promulgate rules and regulations and make disciplinary and sanctioning decisions relating to burial services or burial merchandise. The Secretary of State may delegate to each board according to such duties and responsibilities of the boards."

By inserting after "preneed" *on line 136 the following:*
trust or

By deleting line 138 and inserting in lieu thereof:

(L) An executed copy of the trust or escrow agreement required by Code Section 10-14-7 or 10-14-7.1;

By inserting after "number of the" *on line 139 the following:*
trust or

By deleting lines 143 through 147 and inserting in lieu thereof:
The provisions of this paragraph notwithstanding, a person licensed by the Board of Funeral Service as a funeral services director in full and continuous charge or an owner of a cemetery licensed by the State Board of Cemeterians as a cemeterian shall not be required to separately register as a preneed dealer provided that the requirements of subparagraphs (A) through (N) of this paragraph are satisfied."

By deleting lines 157 through 161 and inserting in lieu thereof:
interest in a preneed dealer registered under this chapter. For purposes of this chapter, any person licensed by or registered with the Board of Funeral Service as a funeral services director in full and continuous charge or an owner of a cemetery licensed by the State Board of Cemeterians as a cemeterian shall be deemed a registered preneed dealer, and regulated pursuant to the rules governing same, by virtue thereof.

By deleting lines 227 through 234 and inserting in lieu thereof:
Any individual engaged in the sale of life insurance shall not use the name of any funeral establishment or any price list which identifies the funeral establishment or any reference to a funeral establishment or crematory in connection with the sale of life insurance without the express written authorization of the funeral establishment. When a preneed funeral contract is funded by a life insurance policy, the funeral establishment shall be designated as the assignee of the death benefit payable under the policy in accordance with the terms of the preneed contract."

By deleting lines 239 through 343 and inserting in lieu thereof:

"10-14-7.

(a)(1) Each preneed dealer which sells burial or funeral merchandise on a preneed basis or preneed burial or funeral services, other than preneed funeral services described in Code section 10-14-7.1, shall establish and maintain a trust fund or a preneed escrow account.

(2) With respect to each monument and outer burial container, bench, coping, and other burial and funeral merchandise items except for caskets, and except as otherwise provided in paragraph (3) of this subsection, the amount to be deposited to said trust or escrow account shall be not less than 35 percent of the sales price of such monument or outer burial container; in no event shall the amount deposited be less than ~~110~~ 120 percent of the wholesale price of such ~~monument or outer burial container~~ items. For ~~any other burial or funeral merchandise~~ caskets, the amount to be deposited to said trust or escrow account shall be not less than 100 percent of the sales price of such merchandise; in no event shall the amount deposited be less than 110 percent of the wholesale price of such merchandise. If the contract of sale shall include grave spaces or items not deemed to be burial or funeral merchandise, the portion of the sales price attributable to the sale of the burial or funeral merchandise shall be determined, and it shall only be as to such portion of the total contract as constitutes burial or funeral merchandise that the deposit described in this paragraph shall be required. In the event that the sale of burial or funeral merchandise is under an installment contract, the required trust deposit shall be a pro rata part of the principal portion of each installment payment, such deposit only being required as payments are made by the purchaser for such burial or funeral merchandise. In the event the installment contract is discounted or sold to a third party, the seller shall be required to deposit an amount equal to the undeposited portion of the required deposit of the sales price of such burial or funeral merchandise at such time as if the contract were paid in full.

(3) With respect to a monument, ~~or~~ outer burial container, bench, coping, and other burial and funeral merchandise items except for caskets, the itemized sales price of which does not include the installation of such item, 100 percent of the installation cost shall be deposited in the trust or escrow account.

(4) With respect to cash advance items and the sale of preneed funeral ~~or burial~~ services, the amount to be deposited to said trust or escrow account shall be 100 percent of the sales price of such funeral ~~or burial~~ services or the full amount of a cash advance item. The time and manner of deposit shall be the same as that specified for deposit of burial or funeral merchandise sale funds to the escrow account.

(5) With respect to preneed burial services, the amount to be deposited to said trust or escrow account shall be not less than 35 percent of the sales price of such burial services; in no event shall the amount deposited be less than 120 percent of the wholesale price of such burial services. The time and manner of deposit shall be the same as that specified for deposit of burial or funeral merchandise sale funds to the escrow account.

(b) The deposit specified in paragraphs (2), ~~and~~ (3), and (4), and (5) of subsection (a) of this Code section shall be made not later than 30 days following the last day of the month in which any payment is received.

(c) ~~The~~ A preneed escrow account governed by the provisions of this Code section shall be established and maintained in a state bank, state savings and loan institution, savings bank, national bank, federal savings and loan association, whose deposits are insured by the Federal Deposit Insurance Corporation or other governmental agency, or a state or federally chartered credit union insured under 12 U.S.C. Section 1781 of the Federal Credit Union Act, or other organization approved by the Secretary of State which is located and doing business in this state.

(d)(1) If the account is maintained with a trustee, the assets of the trust fund shall be invested and reinvested by the trustee subject to all the terms, conditions, limitations, and restrictions imposed by Georgia law upon executors and trustees regarding the making and depositing of investments with trust moneys pursuant to Code Sections 53-8-1 through 53-8-4 of the 'Pre 1998 Probate Code,' if applicable, or Code Sections 53-8-1 and 53-12-340 of the 'Revised Probate Code of 1998,' if applicable, or Chapter 12 of Title 53, 'The Revised Georgia Trust Code of 2010.' Subject to said terms, conditions, limitations, and restrictions, the trustee of the preneed accounts shall have full power to hold, purchase, sell, assign, transfer, reinvest, and dispose of any of the securities and investments in which any of the assets of said account are invested, including proceeds of investments.

(2) Any state bank, national bank, or other financial institution authorized to act in a fiduciary capacity in this state, which presently or in the future serves as a fiduciary or cofiduciary of the trust fund of a preneed dealer, may invest part or all of such trust fund held by it for investment in interests or participation in one or more common trust funds established by that state bank, national bank, or other financial institution for collective investment, if such investment is not expressly prohibited by the instrument, judgment, decree, or order creating the fiduciary relationship and if, in the case of cofiduciaries, the trust institution procures the consent of its cofiduciary or cofiduciaries to such investment, and notwithstanding the fact that such common trust funds are not invested and reinvested subject to all the terms, conditions, limitations, and restrictions imposed by the laws of the State of Georgia upon executors and trustees in the making and disposing of their investments.

(e)(1) For burial or funeral merchandise, funds ~~Funds~~ shall be released from the trust or escrow account when the burial or funeral merchandise is delivered ~~at the time of need or to the purchaser at the purchaser's request or, in the case of a monument, attached to realty, or at such times as described in the rules and regulations promulgated by the Secretary of State, not exceeding the lesser of 30 days from receipt of application for release or the time within which a preneed dealer is required by law to provide a refund to a purchaser. A preneed dealer is prohibited from requiring preneed delivery to the consumer as a condition of the sale. Outer burial containers may not be delivered prior to need~~ or, if the burial or funeral merchandise is not yet delivered, within the time required by law after a purchaser requests a

refund. The preneed dealer is considered to have delivered burial or funeral merchandise when the burial or funeral merchandise is:

(A) Actually delivered to the purchaser at the time of need;

(B) Actually delivered to the purchaser at the purchaser's request;

(C) In the case of a monument, when the monument is attached to realty;

(D) In the case of a monument, when the preneed dealer has the monument manufactured for the purchaser and placed into storage with a responsible third party bonded and insured for the wholesale value thereof and evidenced by a receipt specifically identifying the monument, the specific preneed contract, the location of the monument, and identify and address of the bonding and insuring parties; or

(E) At such other times as prescribed by the rule or order of the Secretary of State.

Notwithstanding the foregoing, outer burial containers may not be delivered prior to need.

(2) Deposits made from funds received in payment of preneed services shall remain in the trust or escrow account until such services are performed, at which time said funds may be released to the preneed dealer. The trustee may require certification by the preneed dealer of delivery of merchandise or performance of services before release of funds.

~~(2)~~(3) The funds on deposit under the terms of this subsection ~~shall be deemed and~~ regarded as escrow funds ~~pending delivery of the burial or funeral merchandise concerned and said funds~~ may not be pledged, hypothecated, transferred, or in any manner encumbered by the escrow agent nor may said funds be offset or taken for the debts of the preneed dealer until such time as the merchandise has been delivered or the services performed~~;~~, but after delivery of the burial or funeral merchandise concerned.

~~(e)~~(f) At any time, in the event that the preneed trust or escrow account contains an amount less than the amount required by this Code section, the preneed dealer shall, within 15 days after the earlier of becoming aware of such fact or having been so notified by the Secretary of State, deposit into the preneed account an amount equal to such shortfall. In the event that the Secretary of State and the preneed dealer disagree regarding the amount of such shortfall, no penalty shall be imposed upon the preneed dealer for any failure to comply with this provision unless such failure occurs after notice and opportunity for a hearing as provided in Code Section 10-14-23.

~~(e.1)~~(g) In the case of release of trusted or escrowed funds to a purchaser at the purchaser's request pursuant to ~~paragraph (1) of~~ subsection ~~(d)~~ (e) of this Code section, a sum not less than the lesser of 10 percent of the trusted or escrowed amount or one-half of the interest earned or return upon such funds as of the date of release, as provided by the Secretary of State by rule or regulation, may be retained by the preneed dealer as an administrative fee for reimbursement of the preneed dealer for costs.

(h) The trustee shall furnish yearly to the Secretary of State a financial report in a form designated by the Secretary of State with respect to the preneed trust or escrow account.

(i) Trust funds shall not be invested in or loaned to any business venture controlled by the preneed dealer, a person who owns a controlling interest of a cemetery owner that is not a natural person, or an affiliate of any of these persons or entities.

~~(f)~~(j) Upon a finding by a court of competent jurisdiction of failure to deposit or maintain funds in the preneed trust or escrow account as required by this chapter or of fraud, theft, or other misconduct by the preneed dealer or the officers or directors of the preneed dealer which has wasted or depleted such funds, the preneed dealer or the officers or directors of the preneed dealer may be held jointly and severally liable for any deficiencies in the preneed trust or escrow account."

By deleting line 347 through 352 and inserting in lieu thereof:

(a) Notwithstanding any provision to the contrary contained in Chapter 1 of Title 7, the 'Financial Institutions Code of Georgia,' or in any other provision of law, a preneed dealer registered or deemed registered pursuant to Code Section 10-14-5 who provides funeral services shall provide for funds to be deposited in an escrow account pursuant to Code Section 10-14-7 or with a depository institution in accordance with this Code section and placed in an individual trust fund account that is:

By deleting "trust agent" *on lien 371 and inserting in lieu thereof* "trustee".

By deleting line 375 and inserting in lieu thereof the following:

(B) Subject to said terms, conditions, limitations, and restrictions, the trustee of

By deleting lines 378 and 379 and inserting in lieu thereof:

of said account are invested, including proceeds of investments. A personal representative shall be authorized to invest

By deleting "The" *after the period in line 386 and deleting lines 387 through 396.*

By deleting line 397 and inserting in lieu thereof the following:

(C) In making investments pursuant to subparagraph (b)(2)(B) of this Code section and in acquiring and retaining those investments

By deleting lines 407 through 412 and inserting in lieu thereof the following:

(c) The trustee shall furnish yearly to the Secretary of State a financial report in a form designated by the Secretary of State with respect to the preneed trust or escrow account.

By inserting between lines 427 and 428 the following:

Said chapter is further amended by revising subsection (d) of Code Section 10-14-17, relating to enumeration of fees, as follows:

"(d) Other than ~~the~~ fees for the processing and for the sale of burial rights, burial or funeral merchandise, and burial or funeral services, no other fee may be directly or indirectly charged, contracted for, or received by a cemetery company as a condition

for a customer to use any burial right, burial or funeral merchandise, or burial or funeral service, except for:"

SECTION 14.

By redesignating Section 14 as Section 15.

Representative Rogers of the 26th moved that the House agree to the Senate substitute, as amended by the House, to HB 933.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Dutton	Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 157, nays 0.

The motion prevailed.

HB 247. By Representatives Neal of the 1st, Bearden of the 68th, Talton of the 145th, Parrish of the 156th, Howard of the 121st and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services personnel, so as to authorize the Department of Community Health to require fingerprinting and criminal background investigations of all applicants for licensure and currently licensed emergency medical services personnel; to provide definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to general provisions for firefighter standards and training, so as to provide for the automatic termination of the certification of a firefighter convicted of a felony; to amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, so as to provide for matters relevant to guardians generally; to provide for an exemption from liability for persons who comply with a Physician Order for Life-sustaining Treatment; to provide for criminal background checks for persons seeking to become a guardian or conservator; to provide for a definition; to amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services personnel, so as to provide that the Department of Public Health shall accept criminal history background checks of applicants for certification from state and local law enforcement agencies; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to general provisions for firefighter standards and training, is amended by revising subsection (b) and paragraph (1) of subsection (c) of Code Section 25-4-8, relating to qualifications of firefighters generally, as follows:

"(b) For the purposes ~~of paragraph (2) of subsection (a)~~ of this Code section, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or federal magistrate or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty or such decision, judgment, or verdict shall have

been set aside, reversed, or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the President of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had or shall have received a certificate of good conduct granted by the State Board of Pardons and Paroles pursuant to the provisions of law to remove a disability under law because of such conviction. Any person convicted of a felony while he or she is a certified firefighter shall have his or her certification revoked.

(c)(1) For the purposes of making determinations relating to eligibility under ~~paragraph (2) of subsection (a) of~~ this Code section, a local fire department shall provide information relative to prospective employees to the local law enforcement agency and a state fire department shall provide information relative to prospective employees to a state law enforcement agency. Such local or state law enforcement agency shall be authorized to obtain conviction data with respect to such prospective employees of a local or state fire department as authorized in this subsection. The local or state law enforcement agency shall submit to the Georgia Crime Information Center two complete sets of fingerprints of the applicant for appointment or employment, the required records search fees, and such other information as may be required. Upon receipt thereof, the Georgia Crime Information Center shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall retain the other set and promptly conduct a search of its own records and records to which it has access. The Georgia Crime Information Center shall notify the local or state law enforcement agency in writing of any derogatory finding, including, but not limited to, any conviction data regarding the fingerprint records check or if there is no such finding. All conviction data received by the local or state law enforcement agency shall not be a public record, shall be privileged, and shall not be disclosed to any other person or agency except as provided in this subsection and except to any person or agency which otherwise has a legal right to inspect the employment file. All such records shall be maintained by the local or state law enforcement agency pursuant to laws regarding such records and the rules and regulations of the Federal Bureau of Investigation and the Georgia Crime Information Center, as applicable. As used in this subsection, 'conviction data' means a record of a finding or verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime, regardless of whether an appeal of the conviction has been sought."

SECTION 2.

Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is amended by revising subsection (k) of Code Section 29-4-18, relating to definitions, requirements, and termination of temporary medical consent guardianship, by adding a new paragraph to read as follows:

"(3) Any person who acts in good faith in accordance with a Physician Order for Life-sustaining Treatment developed pursuant to subsection (l) of this Code section shall have all of the immunity granted pursuant to Code Section 31-32-10."

SECTION 3.

Said title is further amended by adding a new Code section to read as follows:

"29-9-19.

(a) As used in this Code section, the term 'criminal history record information' means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, accusations, information, or other formal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release.

(b) The court may require a petitioner seeking to become a guardian or conservator, or a nominated guardian or conservator if such person is different from the petitioner, to submit to a criminal history records check. The petitioner or nominee shall submit his or her fingerprints to the Georgia Crime Information Center with the appropriate fee. The Georgia Crime Information Center shall promptly transmit the fingerprints to the Federal Bureau of Investigation for a search of its records and shall obtain a report containing criminal history record information. The Georgia Crime Information Center shall also promptly conduct a search of its records and any records to which it has access. The Georgia Crime Information Center shall provide a report of the petitioner's or nominee's criminal history record information to the court for its consideration in determining the suitability of the petitioner or nominee to serve as a guardian or conservator."

SECTION 4.

Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services personnel, is amended by revising subsections (d) and (e) of Code Section 31-11-51, relating to certification and recertification of emergency medical technicians, as follows:

"(d) The department shall by rule or regulation, consistent with the requirements of this paragraph, establish a procedure for requesting a fingerprint based criminal history records check from the center and the Federal Bureau of Investigation. Fingerprints shall be in such form and of such quality as prescribed by the center and under standards adopted by the Federal Bureau of Investigation. Fees may be charged as necessary to cover the cost of the records search. An applicant may request that a criminal history records check be conducted by a state or local law enforcement agency or by a private vendor approved by the department. Fees for criminal history records checks shall be paid by the applicant to the entity processing the request at the time such request is made. The state or local law enforcement agency or private vendor shall remit payment to the center in such amount as required by the center for conducting a criminal history records check. The department shall accept a criminal history records check whether such request is made through a state or local law enforcement agency or through a private vendor approved by the department. Upon receipt ~~thereof~~ of an authorized request, the center shall promptly cause such criminal records search to be conducted. The center shall notify the department in writing of any finding of

disqualifying information, including, but not limited to, any conviction data regarding the fingerprint records check, or if there is no such finding.

(e) Conviction data received by the department <u>or a state or local law enforcement agency</u> shall be privileged and shall not be a public record or disclosed to any person. Conviction data shall be maintained by the department <u>and the state or local law enforcement</u> pursuant to laws regarding such records and the rules and regulations of the center and the Federal Bureau of Investigation. Penalties for the unauthorized release or disclosure of conviction data shall be as prescribed by law or rule or regulation of the center or Federal Bureau of Investigation."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Representative Neal of the 1st moved that the House agree to the Senate substitute to HB 247.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	N Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Smith, K
Y Baker	Y Dollar	N Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Fullerton	Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E

Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 157, nays 3.

The motion prevailed.

HR 1151. By Representatives Brockway of the 101st, Lindsey of the 54th, Sheldon of the 105th, Teasley of the 38th, Allison of the 8th and others:

A RESOLUTION creating the Joint Human Trafficking Study Commission; and for other purposes.

The following Senate substitute was read:

A RESOLUTION

Creating the Joint Human Trafficking Study Commission; and for other purposes.

WHEREAS, the State of Georgia is home to numerous victims of human trafficking which includes those who have been forced into labor and sexual servitude; and

WHEREAS, victims of human trafficking include both adults and children as well as citizens from Georgia, other states, and other countries; and

WHEREAS, according to U.S. State Department data, an estimated 600,000 to 820,000 men, women, and children are trafficked across international borders each year, and of those, approximately 80 percent are women and girls and up to 50 percent are minors; and

WHEREAS, studies have estimated that approximately 400 girls are sexually exploited each month in Georgia, with the average age of initial exploitation being 12 to 14 years of age; and

WHEREAS, the Federal Bureau of Investigation has named Atlanta as one of the 14 cities with the highest incidence of the use of children in prostitution; and

WHEREAS, the State of Georgia has significantly improved its criminal justice system response to the crime of human trafficking through the passage of HB 200 in the 2011 session of the General Assembly; and

WHEREAS, although the State of Georgia provides some services for child victims of sexual exploitation, a comprehensive system of services for all victims of human trafficking is needed to enable all individuals who have been forced into labor and sexual servitude to recover from this exploitation; and

WHEREAS, experts on human trafficking and victim services should evaluate models of victim services from other states to recommend an appropriate framework for the State of Georgia.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that there is created the Joint Human Trafficking Study Commission to be composed of 13 members. The President of the Senate shall appoint three members of the Senate as members of the commission, one of whom shall be a member of the minority party, and shall designate one of such members as cochairperson. The Speaker of the House of Representatives shall appoint three members of the House of Representatives as members of the commission, one of whom shall be a member of the minority party, and shall designate one of such members as cochairperson. One member shall be a local police chief appointed by the Georgia Association of Chiefs of Police. One member shall be a district attorney appointed by the Prosecuting Attorneys' Council of the State of Georgia. One member shall be a juvenile court judge appointed by the Council of Juvenile Court Judges. One member shall be a superior court judge appointed by the Council of Superior Court Judges of Georgia. One member shall be a public defender appointed by the Georgia Public Defender Standards Council. One member shall be an individual with expertise in advocacy for children who are sexually exploited appointed by the Governor's Office for Children and Families. One member shall be an individual with expertise in advocacy for adult victims of human trafficking appointed by the Governor's Office for Children and Families. The cochairpersons shall call all meetings of the commission.

BE IT FURTHER RESOLVED that the commission shall undertake a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any action or legislation which the commission deems necessary or appropriate. In conducting such study, the commission shall study current law and policy in Georgia and other states and shall elicit views from experts in the fields of child welfare, juvenile justice, social work, mental health, and public health as well as input from child victims and adult survivors of commercial sexual exploitation. The commission shall examine recent policy and social science reports on human trafficking, including, but not limited to, its effect on individuals and community safety. The commission shall review services that are currently available to this population in Georgia, as well as best practices for serving victims of human trafficking from other jurisdictions. The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this

resolution. Members of the commission shall receive no compensation for their services on the commission, and they shall not be reimbursed for expenses incurred by them in the performance of their duties as members of the commission. In the event the commission makes a report of its findings and recommendations, with suggestions for proposed legislation, if any, such report shall be made on or before December 31, 2012, and a copy of the report shall be delivered to the Speaker of the House of Representatives and the Lieutenant Governor. The commission shall stand abolished on January 1, 2013.

Representative Brockway of the 101st moved that the House agree to the Senate substitute to HR 1151.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	N Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 170, nays 1.

The motion prevailed.

Representative Hatfield of the 177th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 541. By Representatives Epps of the 140th, Benton of the 31st, Baker of the 78th, Allison of the 8th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to provide for the offense of threatening or intimidating a law enforcement officer, public official, or other person relating to such person's involvement in a judicial proceeding; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 5 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to offenses related to judicial and other proceedings, so as to prohibit intimidation of law enforcement officers in retaliation for the officer's actions of carrying out his or her official duties; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to offenses related to judicial and other proceedings, is amended by revising Code Section 16-10-97, relating to intimidation or injury of grand or trial juror or court officer, as follows:

"16-10-97.

(a) A person who by threat or force or by any threatening <u>action,</u> letter<u>,</u> or communication:

(1) Endeavors to intimidate or impede any grand juror or trial juror or any officer in or of any court of this state or any court of any county or municipality of this state or any officer who may be serving at any proceeding in any such court while in the discharge of such juror's or officer's duties;

(2) Injures any grand juror or trial juror in his or her person or property on account of any indictment or verdict assented to by him or her or on account of his or her being or having been such juror; or

(3) Injures any officer in or of any court of this state or any court of any county or municipality of this state or any officer who may be serving at any proceeding in any such court in his or her person or property on account of the performance of his or her official duties

shall, upon conviction thereof, be punished by a fine of not more than $5,000.00 or by imprisonment for not more than 20 years, or both.

(b) As used in this Code section, the term 'any officer in or of any court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, or probation officer.

(c) A person who by threat or force or by any threatening action, letter, or communication endeavors to intimidate any law enforcement officer, outside the scope and course of his or her employment, or his or her immediate family member in retaliation or response to the discharge of such officer's official duties shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $5,000.00, or both."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Representative Epps of the 140th moved that the House agree to the Senate substitute to HB 541.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas

Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 0.

The motion prevailed.

Representative Beverly of the 139th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 786. By Representatives Hembree of the 67th and Geisinger of the 48th:

A BILL to be entitled an Act to amend Chapter 57 of Title 33 of the Official Code of Georgia Annotated, relating to the consumers' insurance advocate, so as to provide that, until such time as the consumers' insurance advocate is appropriately funded, it shall not be necessary to file copies of insurance rate filings with the consumers' insurance advocate; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend HB 786 by striking from lines 46 and 47 the words “upon its approval by the Governor or upon its becoming law without such approval” and inserting “July 1, 2012” in their place.

The following amendment was read and adopted:

Representative Hembree of the 67th offers the following amendment:

Amend HB 786 as amended by Senate Amendment 1 by deleting lines 1 through 4 of LC 28 5938 and inserting in lieu thereof the following:

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for comprehensive revision of the provisions relating to the Georgia Life and Health Insurance Guaranty Association; so as to provide that, until such time as the consumers' insurance advocate is appropriately funded, it shall not be necessary to file copies of insurance rate filings with the consumers' insurance advocate; to provide for related matters;

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively.

By deleting lines 8 and 9 and inserting in lieu thereof the following:

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising Chapter 38 of Title 33, relating to the Georgia Life and Health Insurance Guaranty Association, as follows:

"CHAPTER 38

33-38-1.

The purpose of this chapter is to protect ~~policy owners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts,~~ the persons specified in subsection (b) of Code Section 33-38-2, subject to certain limitations, against failure in the performance of contractual obligations, under life and health insurance policies and annuity contracts specified in subsection (a) of Code Section 33-38-2, due to the impairment or insolvency of the insurer issuing such policies or contracts. To provide this protection, (1) an association of insurers is created to enable the guaranty of payment of benefits and continuation of coverages as limited by this chapter, (2) members of the association are subject to assessment to provide funds to carry out the purpose of this chapter, and (3) the association is authorized to assist the Commissioner, in the prescribed manner, in the detection and prevention of insurer impairments or insolvencies.

33-38-2.

(a) This chapter shall provide coverage to the persons specified in subsection (b) of this Code section for direct, nongroup life, health, or annuity~~, and supplemental~~ policies or contracts, for certificates under direct group policies and contracts, and for supplemental contracts to any of these, and for unallocated annuity contracts, in each case issued by member insurers, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include, but are not limited to, guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement ~~agreements, lottery contracts~~ annuities, annuities issued to or in connection with government lotteries, and any immediate or deferred annuity contracts.

(b)(1) Coverage under this chapter shall be provided only:

~~(1)~~(A) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees, or payees of the persons covered under ~~paragraph (2) of this subsection~~ subparagraph (B) of this paragraph; and

~~(2)~~(B) To persons who are owners of or certificate holders under such policies or contracts, other than ~~or, in the case of~~ unallocated annuity contracts and structured settlement annuities, to the persons who are the contract holders and who:

~~(A)~~(i) Are residents; or

~~(B)~~(ii) Are not residents, but ~~only under all of the following conditions:~~

~~(i) The~~ the insurers which issued such policies or contracts are domiciled in this state;

~~(ii) Such insurers never held a license or certificate of authority in the~~ the states in which such persons reside~~;~~

~~(iii) Such states~~ have associations similar to the association created by this article; and

~~(iv) Such~~ such persons are not eligible for coverage by ~~such associations~~ an association in any other state due to the fact that the insurer was not licensed in the state at the time specified in the state's guaranty association law.

(2) For unallocated annuity contracts specified in subsection (a) of this Code section, subparagraphs (A) and (B) of paragraph (1) of this subsection shall not apply, and this chapter shall, except as provided in paragraphs (4) and (5) of this subsection, provide coverage to:

(A) Persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in this state; and

(B) Persons who are owners of unallocated annuity contracts issued to or in connection with government lotteries if the owners are residents.

(3) For structured settlement annuities specified in subsection (a) of this Code section, subparagraphs (A) and (B) of paragraph (1) of this subsection shall not apply, and this chapter shall, except as provided in paragraphs (4) and (5) of this subsection, provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(A) Is a resident, regardless of where the contract owner resides; or

(B) Is not a resident, but only under both of the following conditions:

(i)(I) The contract owner of the structured settlement annuity is a resident; or

(II) The contract owner of the structured settlement annuity is not a resident, but the insurer that issued the structured settlement annuity is domiciled in this state and the state in which the contract owner resides has an association similar to the association created by this chapter; and

(ii) Neither the payee or beneficiary nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides.

(4) This chapter shall not provide coverage to:

(A) A person who is a payee or beneficiary of a contract owner who is a resident of this state, if the payee or beneficiary is afforded any coverage by the association of another state; or

(B) A person covered under paragraph (2) of this subsection, if any coverage is provided by the association of another state to that person.

(5) This chapter is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of the provisions of this subsection in situations where a person could be covered by the association of more than one state, whether as an owner, payee, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by only one association.

(c) This chapter shall not ~~apply~~ provide coverage to:

(1) That portion or part of a ~~variable life insurance or variable annuity~~ policy or contract not guaranteed by an insurer~~;~~, or

~~(2) That portion or part of any policy or contract~~ under which the risk is borne by the ~~policyholder~~ policy or contract owner;

~~(3)~~(2) A policy or contract of reinsurance or any ~~Any~~ policy or contract or part thereof assumed by the impaired or insolvent insurer under a contract of reinsurance, ~~other than reinsurance for which~~ unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(3) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(A) Averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's Corporate Bond Yield Average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier; and

(B) On and after the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average as most recently available;

(4) Any policy, contract, certificate, or subscriber agreement issued by a nonprofit hospital service corporation referred to in Chapter 19 of this title, a health care plan referred to in Chapter 20 of this title, a nonprofit medical service corporation referred

to in Chapter 18 of this title, a prepaid legal services plan, as defined in Code Section 33-35-2, and a health maintenance organization, as defined in Code Section 33-21-1;
(5) Any policy, contract, or certificate issued by a fraternal benefit society, as defined in Code Section 33-15-1;
(6) Accident and sickness insurance as defined in Code Section 33-7-2 when written by a property and casualty insurer as part of an automobile insurance contract;
(7) A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, health, or annuity benefits to its employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association, or other person under:
(A) A multiple employer welfare arrangement as defined in 29 U.S.C. Section 1002(40);
(B) A minimum premium group insurance plan;
(C) A stop-loss insurance policy; or
(D) An administrative services only contract;
(8) A portion of a policy or contract to the extent that it provides for:
(A) Dividends or experience rating credits;
(B) Voting rights; or
(C) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;
(9) A policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;
~~(7)~~(10) Any unallocated annuity contract issued to an employee benefit plan protected under the federal Pension Benefit Guaranty Corporation, regardless of whether the federal Pension Benefit Guaranty Corporation has yet become liable to make any payments with respect to the benefit plan; ~~or~~
~~(8)~~(11) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union, or association of natural persons benefit plan or a government lottery;
(12) A portion of a policy or contract to the extent that the assessments required by Code Section 33-38-15 with respect to the policy or contract are preempted by federal or state law;
(13) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer to the contract owner or policy owner, including without limitation:
(A) Claims based on marketing materials;
(B) Claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;
(C) Misrepresentations of or regarding policy benefits;
(D) Extra-contractual claims; or

(E) A claim for penalties or consequential or incidental damages;

(14) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer;

(15) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this paragraph, the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture; or

(16) A policy or contract providing any hospital, medical, prescription drug, or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code, commonly known as Medicare Part C & D, or any regulations issued pursuant thereto.

(d) The provisions of this Code section shall apply only to coverage the guaranty association provides in connection with any member insurer that is placed under an order of liquidation with a finding of insolvency after the effective date of this Code section.

33-38-3.

This chapter shall be ~~liberally~~ construed to effect the purpose set forth in Code Section 33-38-1~~, which Code section shall constitute an aid and guide to interpretation~~.

33-38-4.

As used in this chapter, the term:

(1) 'Account' means any of the two accounts created under Code Section 33-38-5.

(2) 'Affiliate' means any person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person specified.

(3) 'Association' means the Georgia Life and Health Insurance Guaranty Association created under Code Section 33-38-5.

(4) 'Authorized assessment,' or 'authorized' when used in the context of assessments, means a resolution by the board of directors of the association has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

(5) 'Benefit plan' means a specific employee, union, or association of natural persons benefit plan.

(6) 'Called assessment,' or 'called' when used in the context of assessments, means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers.

~~(4)~~(7) 'Contractual obligation' means any obligation under a covered ~~policies or contracts~~ policy, contract, or certificate under a group policy or contract, or portion thereof for which coverage is provided under Code Section 33-38-2. ~~Notwithstanding any other provision of this chapter, 'contractual obligation' shall not include a claim filed after the final date set by the court for the filing of claims against the liquidator or other such court appointed authority.~~

~~(5)~~(8) 'Control' or 'controlled' means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise.

~~(6)~~(9) 'Covered policy' means ~~any~~ a policy or contract ~~within the scope of this chapter~~ or portion of a policy or contract for which coverage is provided under Code Section 33-38-2.

~~(7) 'Health insurance' means accident and sickness insurance, as that class of insurance is defined in Code Section 33-7-2.~~

(10) 'Extra-contractual claims' shall include, for example, any claim not authorized by, or outside the scope of, the underlying policy or contract to include any claim based on bad faith, punitive or exemplary damages, treble damages, prejudgment or postjudgment interest, attorney's fees, or costs of litigation.

~~(8)~~(11) 'Impaired insurer' means a member insurer ~~deemed by the Commissioner~~ which is not an insolvent insurer and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction on or after July 1, 1981~~, to be potentially unable to fulfill its contractual obligations but not an insolvent insurer~~.

~~(9)~~(12) 'Insolvent insurer' means a member insurer against which ~~a final~~ an order of liquidation containing a finding of insolvency has been entered by a court of competent jurisdiction on or after July 1, 1981.

~~(10)~~(13) 'Member insurer' means any insurer which is licensed or which holds a certificate of authority to transact in this state any kind of insurance for which coverage is provided under Code Section 33-38-2 and includes any insurer whose license or certificate of authority in this state may have been suspended, revoked, not renewed, or voluntarily withdrawn, but does not include:

(A) A ~~nonprofit~~ hospital or medical service corporation, whether profit or nonprofit;

(B) A health care corporation;

(C) A health maintenance organization;

(D) A fraternal benefit society;

(E) A mandatory state pooling plan;

(F) A mutual assessment company or any entity that operates on an assessment basis;

(G) An insurance exchange; ~~or~~

(H) An organization that has a certificate or license limited to the issuance of charitable gift annuities under Code Sections 33-58-1 through 33-58-6; or

(I) Any entity similar to those described in subparagraphs (A) through ~~(G)~~ (H) of this paragraph.

(14) 'Moody's Corporate Bond Yield Average' means the Monthly Average Corporates as published by Moody's Investors Service, Inc., or any successor thereto.

(15) 'Owner' of a policy or contract and 'policy owner' and 'contract owner' mean the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer. The terms 'owner,' 'contract owner,' and 'policy owner' shall not include persons with a mere beneficial interest in a policy or contract.

~~(11)~~(16) 'Person' means any individual, corporation, limited liability company, partnership, association, governmental body or entity, or voluntary organization.

(17) 'Plan sponsor' means:

(A) The employer in the case of a benefit plan established or maintained by a single employer;

(B) The employee organization in the case of a benefit plan established or maintained by an employee organization; or

(C) In a case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan.

~~(12)~~(18) 'Premiums' means ~~direct gross insurance premiums and annuity~~ amounts or considerations, by whatever name called, received on covered policies or contracts, less ~~return~~ returned premiums, ~~and~~ considerations and deposits thereon and less dividends ~~paid or credited to policyholders on such direct business~~ and experience credits. The term 'premiums' ~~does~~ shall not include ~~premiums and~~:

(A) Amounts or considerations ~~on~~ received for policies or contracts ~~between insurers and reinsurers.~~ or for the portions of policies or contracts for which coverage is not provided under this chapter except that assessable premium shall not be reduced on account of paragraph (3) of subsection (c) of Code Section 33-38-2, relating to interest limitations, and paragraph (12) of Code Section 33-38-7, relating to limitations with respect to one individual, one participant, and one contract owner; ~~The term 'premiums' does not include any premiums~~

(B) Premiums in excess of $5 million on ~~any~~ an unallocated annuity contract; or

(C) With respect to multiple nongroup policies of life insurance owned by one owner, whether the policy owner is an individual, firm, corporation, or other person,

and whether the persons insured are officers, managers, employees, or other persons, premiums in excess of $5 million with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

(19)(A) 'Principal place of business' of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the entity as a whole primarily exercise that function, determined by the association in its reasonable judgment by considering the following factors:

(i) The state in which the primary executive and administrative headquarters of the entity is located;

(ii) The state in which the principal office of the chief executive officer of the entity is located;

(iii) The state in which the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(iv) The state in which the executive or management committee of the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(v) The state from which the management of the overall operations of the entity is directed; and

(vi) In the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using the above factors.

However, in the case of a plan sponsor, if more than 50 percent of the participants in the benefit plan are employed in a single state, that state shall be deemed to be the principal place of business of the plan sponsor.

(B) The principal place of business of a plan sponsor of a benefit plan described in subparagraph (C) of paragraph (17) of this Code section shall be deemed to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

(20) 'Receivership court' means the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation, or liquidation of the insurer.

~~(13)~~(21) 'Resident' means any person who ~~is domiciled~~ resides in this state at the time a member insurer is determined to be an impaired or insolvent insurer and to whom contractual obligations are owed. A person may be a resident of only one state, which, in the case of a person other than a natural person, shall be its principal place of business. Citizens of the United States who are either residents of foreign countries or residents of United States possessions, territories, or protectorates that do not have an association similar to the association created by this chapter shall be deemed residents of the state of domicile of the insurer that issued the policies or contracts.

(22) 'State' means a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate.

(23) 'Structured settlement annuity' means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

(24) 'Supplemental contract' means a written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract.

(25) 'Unallocated annuity contract' means an annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under the contract or certificate.

33-38-5.

(a) There is created a nonprofit, unincorporated association to be known as the Georgia Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under the plan of operation established and approved under Code Section 33-38-8 and shall exercise its powers through a board of directors established under Code Section 33-38-6.

(b) The association shall come under the immediate supervision of the Commissioner and shall be subject to the applicable provisions of the insurance laws of this state.

(c) For purposes of administration and assessment, the association shall maintain two accounts: (1) the health insurance account; and (2) the life insurance and annuity account. The life insurance and annuity account shall contain three subaccounts: (A) the life insurance account; (B) the annuity account; and (C) the unallocated annuity account ~~which shall include contracts qualified under Section 403(b) of the United States Internal Revenue Code~~.

(d) For purposes of assessment, ~~supplementary~~ supplemental contracts shall be covered under the account in which the basic policy is covered.

33-38-6.

~~(a) The board of directors of the association shall consist of seven members and shall at all times contain at least one member from a domestic insurer. The members, who shall not be considered employees of the Insurance Department, shall be appointed as follows:~~

~~(1) The Commissioner shall compile a list of the two stock insurers most likely to incur the largest assessment, per insurer, for each of the accounts under Code Section 33-38-5; he shall compile a list of the two nonstock insurers most likely to incur the largest assessment, per insurer, for each of the accounts under Code Section 33-38-5; and he shall compile a list of the two domestic insurers, either stock or nonstock, most likely to incur the largest assessment, for each of the accounts listed under Code Section 33-38-5. The Commissioner shall solicit from these 18 insurers the names of 18 individuals as nominees for members to the board of directors. The Commissioner~~

~~shall thereupon separately certify in writing the nominations from stock and nonstock insurers and separately for each account;~~

~~(2) From the nominations so certified for each such account, the Commissioner shall appoint one stock member and one nonstock member to the board of directors until six directors have been appointed. Then the Commissioner shall appoint from the remaining nominations the chairman of the board who shall also be its chief executive; and~~

(a) The board of directors of the association shall consist of not less than five nor more than nine member insurers serving terms as established in the plan of operation. The members of the board shall be selected by the Commissioner from a list provided to the Commissioner from the board. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the Commissioner.

~~(3)~~(b) In approving selections ~~or in appointing~~ of members to the board, the Commissioner shall consider, among other things, whether all member insurers are fairly represented.

~~(b) Any member may be removed from office by the Commissioner when, in his judgment, the public interest may so require.~~

~~(c) Each member so appointed shall serve for a term of three years and until his successor has been appointed and qualified.~~

~~(d) If there occurs, for any reason, a vacancy in the board of directors, the Commissioner shall appoint a member to fill the unexpired term of office from the nominations as heretofore described.~~

~~(e)~~(c) Members of the board may be reimbursed from the assets of the association for reasonable expenses incurred by them in their capacity as members of the board of directors, but members of the board shall not otherwise be compensated by the association for their services.

33-38-7.

(a) In addition to the powers and duties enumerated elsewhere in this chapter, the association shall have the following powers and duties:

(1) ~~Whenever~~ If a ~~domestic~~ member insurer is an impaired insurer, the association, subject to any conditions, other than those conditions which impair the contractual obligations of the impaired insurer, imposed by the association and approved by the ~~impaired insurer and the~~ Commissioner, may, in its discretion:

(A) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the covered policies or contracts of the impaired insurer; and

(B) Provide such moneys, pledges, loans, notes, guarantees, or other means as are proper to effectuate subparagraph (A) of this paragraph and assure payment of the contractual obligations of the impaired insurer pending action under subparagraph (A) of this paragraph; ~~and~~

~~(C) Loan money to the impaired insurer;~~

(2) ~~Whenever~~ If a ~~domestic~~ member insurer is an insolvent insurer, the association shall, ~~subject to the approval of the Commissioner~~ in its discretion, either:

(A)(i)(I) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured, the covered policies or contracts of the insolvent insurer; or

~~(B)~~(II) Assure payment of the contractual obligations of the insolvent insurer; and

~~(C)~~(ii) Provide ~~such~~ moneys, pledges, loans, notes, guarantees, or other means as are reasonably necessary to discharge ~~such~~ the association's duties; or

~~(3) Whenever a foreign or alien insurer is an insolvent insurer, the association shall, subject to the approval of the Commissioner:~~

~~(A) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured, the covered policies of residents;~~

~~(B) Assure payment of the contractual obligations of the insolvent insurer to residents; and~~

~~(C) Provide such moneys, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.~~

~~This paragraph shall not apply where the Commissioner has determined that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides protection by statute substantially similar to that provided by this chapter for residents of this state;~~

(B) Provide benefits and coverages in accordance with the following provisions:

(i) With respect to life and health insurance policies and annuities, assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies or contracts of the insolvent insurer, for claims incurred:

(I) With respect to group policies and contracts, not later than the earlier of the next renewal date under those policies or contracts or 45 days, but in no event less than 30 days, after the date on which the association becomes obligated with respect to the policies and contracts; and

(II) With respect to nongroup policies, contracts, and annuities, not later than the earlier of the next renewal date, if any, under the policies or contracts or one year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to the policies or contracts;

(ii) Make diligent efforts to provide all known insureds or annuitants, for nongroup policies and contracts, or group policy owners with respect to group policies and contracts, 30 days' notice of the termination, pursuant to division (i) of this subparagraph, of the benefits provided;

(iii) With respect to nongroup life and health insurance policies and annuities covered by the association, make available to each known insured or annuitant, or owner if other than the insured or annuitant, and with respect to an individual formerly insured or formerly an annuitant under a group policy who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of division (iv) of this

subparagraph, if the insureds or annuitants had a right under law or the terminated policy or annuity to convert coverage to individual coverage or to continue an individual policy or annuity in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or annuity or had a right only to make changes in premium by class;

(iv) In providing the substitute coverage required under division (iii) of this subparagraph, the association may offer either to reissue the terminated coverage or to issue an alternative policy. Alternative or reissued policies shall be offered without requiring evidence of insurability and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy. The association may reinsure any alternative or reissued policy;

(v)(I) Alternative policies adopted by the association shall be subject to the approval of the domiciliary insurance commissioner. The association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency.

(II) Alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten.

(III) Any alternative policy issued by the association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association;

(vi) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the domiciliary insurance commissioner and the receivership court;

(vii) The association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date the coverage or policy is replaced by another similar policy by the policy owner, the insured, or the association; and

(viii) When proceeding under this subparagraph with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with paragraph (3) of subsection (c) of Code Section 33-38-2;

(3) Nonpayment of premiums within 31 days after the date required under the terms of any guaranteed, assumed, alternative, or reissued policy or contract or substitute coverage shall terminate the association's obligations under the policy or coverage under this chapter with respect to the policy or coverage, except with respect to any

claims incurred or any net cash surrender value which may be due in accordance with the provisions of this chapter;

(4) Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association. The association shall be liable for unearned premiums due to policy or contract owners arising after the entry of the order;

(5) The protection provided by this chapter shall not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state;

~~(4)(A)~~(6) In carrying out its duties under ~~paragraphs~~ paragraph (2) ~~and (3)~~ of this Code section, the association may: ~~impose permanent policy liens or contract liens in connection with any guarantee, assumption, or reinsurance agreement if the court:~~

~~(i) Finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens to be in the public interest; and~~

~~(ii) Approves the specific policy liens or contract liens to be used.~~

(A) Subject to approval by a court in this state, impose permanent policy or contract liens in connection with a guarantee, assumption, or reinsurance agreement, if the association finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the association's duties under this chapter, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens, to be in the public interest; and

(B) ~~Before being obligated under paragraphs (2) and (3) of this Code section, the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of such cash value payments or policy loans. Such temporary moratoriums and liens may be imposed if they are approved by a court of competent jurisdiction~~ Subject to approval by a court in this state, impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value. In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans, or on any other right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the association may defer the payment of cash values, policy loans, or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court;

(7) A deposit in this state, held pursuant to law or required by the Commissioner for the benefit of creditors, including policy owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of an insurer domiciled in this state or in a reciprocal state, pursuant to Code Sections 33-3-8 through 33-3-10, shall be promptly paid to the association. The association shall be entitled to retain a portion of any amount so paid to it equal to the percentage determined by dividing the aggregate amount of policy owners claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policy owners' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association less the amount retained pursuant to this paragraph. Any amount so paid to the association and retained by it shall be treated as a distribution of estate assets pursuant to applicable state receivership law dealing with early access disbursements.

~~(5)~~(8) If the association fails to act within a reasonable period of time with respect to an insolvent insurer, as provided in ~~paragraphs~~ paragraph (2) ~~and (3)~~ of this Code section, the Commissioner shall have the powers and duties of the association under this chapter with respect to the insolvent insurers;

~~(6)~~(9) Upon ~~his~~ the Commissioner's request, the association may render assistance and advice to the Commissioner concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer;

~~(7)~~(10) The association shall have standing to appear or intervene before any court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Such standing shall extend to all matters germane to the powers and duties of the association, including but not limited to proposals for reinsuring, modifying, or guaranteeing the ~~covered~~ policies or contracts of the impaired or insolvent insurer and the determination of the ~~covered~~ policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise;

~~(8)(A)~~(11)(A) Any person receiving benefits under this chapter shall be deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from, or otherwise relating to, the covered policy or contract to the association to the extent of the benefits received because of this chapter, whether the benefits are payments of or on account of contractual obligations, ~~or~~ continuation of coverage, or provision of substitute or alternative coverages. The association may require an assignment to it of such rights and causes of action by any payee, policy or contract owner, beneficiary, insured, or

annuitant as a condition precedent to the receipt of any rights or benefits conferred by this chapter upon such person. The association shall be subrogated to these rights against the assets of any impaired or insolvent insurer.

(B) The subrogation rights of the association under this paragraph shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this chapter~~;~~.

(C) In addition to subparagraphs (A) and (B) of this paragraph, the association shall have all common law rights of subrogation and any other equitable or legal remedy that would have been available to the impaired or insolvent insurer or owner, beneficiary, or payee of a policy or contract with respect to the policy or contracts.

(D) If subparagraphs (A) through (C) of this paragraph are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies, or portion thereof, covered by the association.

(E) If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in this paragraph, the person shall pay to the association the portion of the recovery attributable to the policies, or portion thereof, covered by the association;

~~(9) The contractual obligations of the insolvent insurer for which the association becomes or may become liable shall be as great as, but no greater than, the contractual obligations of the insolvent insurer would have been in the absence of an insolvency, unless such obligations are reduced as permitted by paragraph (4) of this Code section. With respect to any one contract holder covered by an unallocated annuity contract, the association shall be liable for not more than $5 million in benefits irrespective of the number of such contracts held by that contract holder. With respect to any other covered policy, the aggregate liability of the association on any one life shall not exceed $100,000.00 with respect to the payment of cash values or $300,000.00 for all benefits including cash values; provided, however, that with respect to claims under policies written to provide benefits as required under Chapter 9 of Title 34, relating to workers' compensation, such claims shall be in the full amount as provided by such chapter; and~~

(12) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(A) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer;

(B) With respect to one life, regardless of the number of policies or contracts:

(i) The amount of $300,000.00 in life insurance death benefits, but not more than $100,000.00 in net cash surrender and net cash withdrawal values for life insurance;

(ii) In health insurance benefits, $300,000.00 for disability insurance; $300,000.00 for long-term care insurance; $300,000.00 for health insurance other than disability insurance as referenced above, long-term care insurance as

referenced above, and basic hospital, medical, and surgical insurance or major medical insurance as referenced below, including any net cash surrender and net cash withdrawal values; and $500,000.00 for basic hospital, medical, and surgical insurance or major medical insurance; and

(iii) The amount of $300,000.00 in the present value of annuity benefits, but not more than $250,000.00 in net cash surrender and net cash withdrawal values for an annuity;

(C) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, $300,000.00 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(D) However, in no event shall the association be obligated to cover more than:

(i) An aggregate of $300,000.00 in benefits with respect to any one life under subparagraph (B) of this paragraph except with respect to benefits for basic hospital, medical, and surgical insurance and major medical insurance under division (ii) of this subparagraph, in which case the aggregate liability of the association shall not exceed $500,000.00 with respect to any one individual; or

(ii) With respect to one owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than $5 million in benefits, regardless of the number of policies and contracts held by the owner;

(E) With respect to either one contract owner provided coverage under subparagraph (b)(2)(B) of Code Section 33-38-2 or one plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts, $5 million in benefits, regardless of the number of contracts with respect to the contract owner or plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, coverage shall be afforded by the association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in this state and in no event shall the association be obligated to cover more than $5 million in benefits with respect to all these unallocated contracts; and

(F) The limitations set forth in this paragraph are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights;

(13) In performing its obligations to provide coverage under Code Section 33-38-7, the association shall not be required to guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed, reinsured, or performed, the contractual obligations

of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract;

~~(10)~~(14) In addition to the rights and powers elsewhere in this chapter, the ~~The~~ association may:

(A) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;

(B) ~~Bring or defend actions~~ Sue or be sued, including the right to seek a declaratory judgment in any superior court of this state as to uncertainties with respect to the payment of benefits under this Code section. The association may also take ~~taking~~ any legal actions necessary or proper for recovery of any unpaid assessments under Code Section 33-38-15 and may settle claims or potential claims against it;

(C) Borrow money to effect the purposes of this chapter. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(D) Employ or retain such persons as are necessary to handle the financial transactions of the association and to perform such other functions as become necessary or proper under this chapter;

(E) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the association;

(F) Take such legal action as may be necessary to avoid payment of improper claims; and

(G) Exercise, for the purposes of this chapter and to the extent approved by the Commissioner, the powers of a domestic life or health insurer; but in no case may the association issue insurance policies or annuity contracts other than those ~~necessary~~ issued to perform ~~the contractual~~ its obligations ~~of the impaired or insolvent insurer.~~ under this chapter;

(15) Organize itself as a corporation or in other legal form permitted by the laws of the state;

(16) Request information from a person seeking coverage from the association in order to aid the association in determining its obligations under this chapter with respect to the person, and the person shall promptly comply with the request;

(17) Take other necessary or appropriate action to discharge its duties and obligations under this chapter or to exercise its powers under this chapter;

(18) The association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association;

(19) With respect to covered policies for which the association becomes obligated after an entry of an order of liquidation, the association may elect to succeed to the rights of the insolvent insurer arising after the order of liquidation under any contract of reinsurance to which the insolvent insurer was a party, to the extent such contract provides coverage for losses occurring after the date of the order of liquidation. As a condition to making such election, the association must pay all unpaid premiums due

under the contract for coverage relating to periods before and after the date on which the order of liquidation was entered;

(20) The board of directors shall have discretion and may exercise reasonable business judgment to determine the means by which the association is to provide the benefits of this chapter in an economical and efficient manner;

(21) Where the association has arranged or offered to provide the benefits of this chapter to a covered person under a plan or arrangement that fulfills the association's obligations under this chapter, the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement;

(22) Exclusive venue in any action by or against the association is in the Superior Court of DeKalb County. The association may, at its option, waive such venue as to specific actions. The association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising under this chapter; and

(23) In carrying out its duties in connection with guaranteeing, assuming, or reinsuring policies or contracts under paragraph (1) or (2) of this Code section, the association may, subject to approval of the receivership court, issue substitute coverage for a policy or contract that provides an interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

(A) In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for a fixed interest rate, payment of dividends with minimum guarantees, or a different method for calculating interest or changes in value;

(B) There is no requirement for evidence of insurability, waiting period, or other exclusion that would not have applied under the replaced policy or contract; and

(C) The alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms.

(b) The provisions of this Code section shall apply only to coverage the guaranty association provides in connection with any member insurer that is placed under an order of liquidation with a finding of insolvency after the effective date of this Code section.

33-38-8.

(a) The association shall submit to the Commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the Commissioner. If the association fails to submit a suitable plan of operation within 180 days following July 1, 1981, or, if at any time thereafter the association fails to submit suitable amendments to the plan, the Commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until modified by the Commissioner or

superseded by a plan submitted by the association and approved in writing by the Commissioner.

(b) All member insurers shall comply with the plan of operation.

(c) The plan of operation shall, in addition to requirements enumerated elsewhere in this chapter:

(1) Establish procedures for handling the assets of the association;

(2) Establish the amount and method of reimbursing members of the board of directors under Code Section 33-38-6;

(3) Establish regular places and times for meetings of the board of directors;

(4) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;

(5) Establish any additional procedures for assessments under Code Section 33-38-15; and

(6) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

33-38-9.

The plan of operation described in Code Section 33-38-8 may provide that any or all powers and duties of the association, except those under subparagraph (C) of paragraph ~~(10)~~(14) of Code Section 33-38-7 and Code Section 33-38-15, shall be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this Code section shall take effect only with the approval of both the board of directors and the Commissioner and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided for by this chapter.

33-38-10.

In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The Commissioner shall:

(A) Upon request of the board of directors, provide the association with a statement of the premiums in the appropriate states for each member insurer; and

(B) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to comply promptly with such demand shall not excuse the association from the performance of its powers and duties under this chapter; and

(2) The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation.

33-38-11.
Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under Code Section 33-38-7. ~~Records~~ The records of ~~such negotiations or meetings shall be made public only upon~~ the association with respect to an impaired or insolvent insurer shall not be disclosed prior to the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, except (a) upon the termination of the impairment or insolvency of the insurer, or (b) upon the order of a court of competent jurisdiction. Nothing in this Code section shall limit the duty of the association to render a report of its activities under Code Section 33-38-12.

33-38-12.
The association shall be subject to examination and regulation by the Commissioner. Notwithstanding the foregoing, whether such examinations shall be conducted and the frequency of any such examination shall be at the sole discretion of the Commissioner. The board of directors shall submit to the Commissioner not later than May 1 of each year a financial report and a report of its activities for the preceding calendar year on forms approved by the Commissioner.

33-38-13.
The association shall be exempt from all taxation in this state based upon income or gross receipts and shall likewise be exempt from all state and local occupation license and business fees and occupation license and business taxes.

33-38-14.
There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the Commissioner or his or her representatives, for any action ~~taken~~ or omission by them in the performance of their powers and duties under this chapter. This immunity shall extend to the participation in any organization of one or more other state associations of similar purposes and to any such organization and its agents or employees.

33-38-15.
(a) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers separately for the health account and for each subaccount of the life insurance and annuity account at such time and for such amounts as the board finds necessary. Assessment shall be due not less than 30 days after prior written notice to the member insurers.
(b) There shall be two classes of assessments, as follows:
(1) Class A assessments shall be ~~made~~ authorized and called for the purpose of meeting administrative costs and legal and other general expenses not related to a

particular impaired or insolvent insurer, and examinations conducted under the authority of subsection (c) of Code Section 33-38-16; and

(2) Class B assessments shall be ~~made~~ authorized and called to the extent necessary to carry out the powers and duties of the association under Code Section 33-38-7 with regard to an impaired or insolvent insurer.

(c)(1) The amount of any Class A assessment shall be determined by the board of directors and may be made on a pro rata or non-pro rata basis. If a Class A assessment is made on a pro rata basis, the board may provide that it be credited against future Class B assessments. An assessment for costs and expenses other than for examinations which is made on a non-pro rata basis shall not exceed ~~$150.00~~ $300.00 per company in any one calendar year. The amount of any Class B assessment shall be allocated for assessment purposes among the accounts or subaccounts in subsection (c) of Code Section 33-38-5 pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

(2) Class B assessments against member insurers for each account or subaccount shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account or subaccount for the three most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this state for such calendar years by all assessed member insurers.

(3) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be ~~made~~ authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection (b) of this Code section and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within 180 days after the assessment is authorized.

(d) The association may abate or defer in whole or in part the assessment of a member insurer if, in the opinion of the board of directors, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this Code section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the association.

(e)(1) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed 2 percent of such insurer's premiums received in this state on the policies covered by the account during the calendar year preceding the

assessment. If the maximum assessment in any account, together with the other assets of the association, does not provide in any one year in such account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(2) The total of all assessments upon a member insurer for each subaccount of the life insurance and annuity account shall not in any one calendar year exceed 2 percent of such insurer's premiums received in this state on the policies covered by the subaccount during the calendar year preceding the assessment. If the maximum assessment for any subaccount of the life insurance and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the association, then the board shall assess the other subaccounts of the life insurance and annuity account for the necessary additional amount up to the maximum assessment level provided in paragraph (1) of this subsection.

(f) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account or subaccount, the amount by which the assets of the account or subaccount exceed the amount the board finds is necessary to carry out the obligations of the association during the coming year with regard to that account or subaccount, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account or subaccount to provide funds for the continuing expenses of the association and for future losses if the board determines that refunds are impractical.

(g) It shall be proper for any member insurer in determining its premium rates and policy owner dividends as to any kind of insurance within the scope of this chapter to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

(h) The association shall issue to each insurer paying an assessment under this chapter, other than a Class A assessment, a certificate of contribution, in a form prescribed by the Commissioner for the amount of the assessment paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form, for such an amount and for such period of time, not to exceed five years from the date of assessment, as the Commissioner may approve.

(i)(1) A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment shall be available to meet association obligations during the pendency of the protest or any subsequent appeal. Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

(2) Within 60 days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest.

(3) Within 30 days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within 60 days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the Commissioner.

(4) In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the Commissioner for a final decision, with or without a recommendation from the association.

(5) If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company. Interest on a refund due a protesting member shall be paid at the rate actually earned by the association.

(j) The association may request information of member insurers in order to aid in the exercise of its power under this Code section and member insurers shall promptly comply with a request.

33-38-16.

(a) The board of directors may, upon majority vote, make reports and recommendations to the Commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer, or to the solvency of any company seeking to do an insurance business in this state. Such reports and recommendations shall not be considered public documents.

(b) ~~It shall be the duty of the~~ The board of directors may, upon majority vote, ~~to~~ notify the Commissioner of any information indicating any member insurer may be an impaired or insolvent insurer.

(c) The board of directors may, upon majority vote, request that the Commissioner order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. Within 30 days of the receipt of such request, the Commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners' examination or may be conducted by such persons as the Commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated the same as other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the Commissioner from complying with subsection (a) of this Code section. The Commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the Commissioner, but it shall not be open to public inspection prior to the release of the examination report to the public.

(d) The board of directors may, upon majority vote, make recommendations to the Commissioner for the detection and prevention of insurer insolvencies.

(e) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the Commissioner containing such information as it may have in its possession bearing on

the history and causes of such insolvency. The board shall cooperate with the board of directors of guaranty associations in other states in preparing a report on the history and causes of insolvency of a particular insurer and may adopt by reference any report prepared by such other associations.

33-38-17.

(a) This chapter shall not be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

(b) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of the assets attributable to covered policies, reduced by any amounts to which the association is entitled as subrogee pursuant to paragraph ~~(8)~~ (11) of Code Section 33-38-7. ~~All~~ The assets of the impaired or insolvent insurer attributable to covered policies shall be used by the association to continue ~~all~~ the covered policies and pay ~~all~~ the contractual obligations of the impaired or insolvent insurer as required by this chapter. For purposes of this subsection, that portion of the total assets of an impaired or insolvent insurer that is attributable to covered policies shall be determined by using the same proportion as the reserves that should have been established for such policies bears to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(c) As a creditor of the impaired or insolvent insurer as established in subsection (b) of this Code section and consistent with Code Section 33-37-33, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this chapter. If the liquidator has not, within 120 days of a final determination of insolvency of an insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, then the association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

~~(b)(1)~~(d)(1) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders, policy owners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination, consideration shall be given to the welfare of the policyholders of the continuing or successor insurer.

(2) No distribution to stockholders of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under Code Section 33-38-7, with respect to such insurer, has been fully recovered by the association.

(3) No insurer that is subject to any delinquency proceedings, whether formal or informal, administrative or judicial, shall have any of its assets returned to the control of its shareholders or private management until all payments of or on account of the insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty associations or a plan of repayment by the insurer shall have been approved by the guaranty association.

~~(c)(1)~~(e)(1) If an order for liquidation or rehabilitation of an insurer domiciled in this state has been entered, the receiver appointed under such order shall have a right on behalf of the insurer to recover from any affiliate the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation, subject to the limitations of this ~~subsection and subsections (a) and (b) of this~~ Code section.

(2) No such distribution shall be recoverable if the insurer shows that the distribution was lawful and reasonable when paid and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable to the extent of the distributions received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared shall be liable to the extent of the distributions that would have been received if such distributions had been paid immediately. Whenever two persons are liable with respect to the same distribution, they shall be jointly and severally liable.

(4) The maximum amount recoverable under this subsection shall be the amount needed, in excess of all other available assets of the insolvent insurer, to pay the contractual obligations of the insolvent insurer.

(5) Whenever any person liable under paragraph (3) of this subsection is insolvent, all affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

33-38-18.

All proceedings in any court in this state in which the insolvent insurer is a party shall be stayed ~~60~~ 180 days from the date of a final order of liquidation, rehabilitation, or conservation to permit proper legal action by the association on any matters germane to its powers or duties. As to judgment entered under any decision, order, verdict, or finding based on default, the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such action on the merits.

33-38-19.

The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of this chapter.

33-38-20.
Any action of the board of directors may be appealed to the Commissioner by any member insurer if such appeal is taken within ~~30~~ 60 days of its receipt of notice of the action being appealed. Any final action or order of the Commissioner shall be subject to judicial review in a court of competent jurisdiction in accordance with the laws of this state that may apply to the actions or orders of the Commissioner.

33-38-21.
(a) No person, including an insurer or agent or affiliate of an insurer, shall make, publish, disseminate, circulate, or place before the public or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication; in the form of a notice, circular, pamphlet, letter, or poster; over any radio station or television station; or in any other way, any advertisement, announcement, or statement which uses the existence of the association for the purposes of sales, solicitation, or inducement to purchase any form of insurance covered by this chapter. This Code section shall not apply to the association or any other entity which does not sell or solicit insurance.
(b) Any person who violates subsection (a) of this Code section may, after notice and hearing and upon order of the Commissioner, be subject to one or more of the following:
(1) A monetary penalty of not more than $1,000.00 for each act or violation, but not to exceed an aggregate penalty of $10,000.00; or
(2) Suspension or revocation of his or her license or certificate of authority.

33-38-22.
(a) A member insurer may offset against its premium tax liability to this state an assessment described in Code Section 33-38-15 to the extent of 20 percent of the amount of such assessment for each of the five calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, all uncredited assessments may be credited against its premium tax liability for the year it ceases doing business.
(b) Any sums which are acquired by refund, pursuant to subsection (f) of Code Section 33-38-15, from the association by member insurers and which have theretofore been offset against premium taxes as provided in subsection (a) of this Code section shall be paid by such insurers to this state in such manner as the Commissioner may require. The association shall notify the Commissioner that such refunds have been made."

SECTION 2.
Said title is further amended by revising subsection (a) of Code Section 33-57-5, relating

Representative Hembree of the 67th moved that the House agree to the Senate amendment, as amended by the House, to HB 786.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
N Byrd
Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Coomer
Cooper
Y Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Y Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Y Kaiser
Y Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Y Morgan
Morris
Y Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williams, R
Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 165, nays 1.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 37. By Senators Carter of the 1st, Jackson of the 24th, Staton of the 18th, Rogers of the 21st, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the "State Properties Code," so as to provide the State Properties Commission the authority to enter into multiyear lease agreements; to provide for the termination of certain rental and lease agreements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 50. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Code Section 15-6-95 of the Official Code of Georgia Annotated, relating to priorities of distribution of fines, forfeitures, surcharges, additional fees, and costs in cases of partial payments into the court, so as to add certain fees for funding of local victim assistance programs into the list of priorities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 319. By Senators Jeffares of the 17th, Tolleson of the 20th, Chance of the 16th, Tippins of the 37th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Code Section 12-3-10 of the Official Code of Georgia Annotated, relating to the ordering of persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and to prohibited acts generally, so as to revise certain provisions relating to the use of boats in the waters of state parks, historic areas, and recreational areas; to repeal conflicting laws; and for other purposes.

SB 324. By Senators Mullis of the 53rd, Tolleson of the 20th, Wilkinson of the 50th, Hooks of the 14th, Goggans of the 7th and others:

A BILL to be entitled an Act to amend Code Section 43-50-3 of the Official Code of Georgia Annotated, relating to definitions relative to the practice of veterinary medicine, so as to clarify a certain definition; to repeal conflicting laws; and for other purposes.

SB 352. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting attorneys, so as to provide for prosecuting attorneys in probate courts, municipal courts, and courts exercising municipal court jurisdiction; to provide for the process of such

employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 356. By Senators Murphy of the 27th, Cowsert of the 46th, Hamrick of the 30th, Mullis of the 53rd, Miller of the 49th and others:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the Bell-Forsyth Judicial Circuit; to provide for the initial appointment of such judge by the Governor; to provide for the election and term of office of such judge; to provide for additional court reporters and personnel and the compensation of such reporters and personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

SB 385. By Senators Shafer of the 48th, Goggans of the 7th, Bethel of the 54th and McKoon of the 29th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the confidentiality of certain records of the Commissioner of Insurance; to provide for exceptions; to provide for certain premium taxes and the rate and manner of collection; to revise certain provisions regarding reinsurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 390. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 2 of the Official Code of Georgia Annotated, relating to the certification of seeds and plants, so as to provide immunity from civil liability for the agency designated to provide for seed certification; to repeal conflicting laws; and for other purposes.

SB 441. By Senators Crosby of the 13th, Hamrick of the 30th, Grant of the 25th, Ramsey, Sr. of the 43rd and Murphy of the 27th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to establish the offense of unlawful pointing of a laser device at a law enforcement officer; to provide for penalties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 446. By Senators Mullis of the 53rd, Chance of the 16th, Gooch of the 51st, Miller of the 49th, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 8, Title 25, and Title 34 of the Official Code of Georgia Annotated, relating to buildings generally, fire protection and safety, and labor and industrial relations, respectively, so as to transfer certain functions relating to elevators, dumbwaiters, escalators, manlifts, and moving walks, boilers and pressure vessels, amusement rides, carnival rides, and scaffolding and staging from the Department of Labor and Commissioner of Labor to the office of Safety Fire Commissioner and Safety Fire Commissioner; to make conforming amendments and correct cross-references relative to the foregoing; to provide for transfers of personnel, facilities, equipment, and appropriations; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 483. By Senators Mullis of the 53rd, Rogers of the 21st, Chance of the 16th, Golden of the 8th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and members of the Public Service Commission, so as to change the term and manner of the election of the chairperson of the Public Service Commission; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following resolution of the Senate:

SR 84. By Senators Carter of the 1st, Jackson of the 24th, Staton of the 18th, Rogers of the 21st, Williams of the 19th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to allow state entities to enter into multiyear rental agreements without obligating present funds for the full obligation to the state under the full term of such agreements; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The Senate insists on its amendment to the House substitute to the following bill of the Senate:

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitutes to the following resolutions of the Senate:

SR 843. By Senator Mullis of the 53rd:

A RESOLUTION honoring the life of Mr. Bert Ward and dedicating a bridge in his memory; and for other purposes.

SR 873. By Senators Gooch of the 51st, Miller of the 49th, Williams of the 19th, Jeffares of the 17th, Staton of the 18th and others:

A RESOLUTION authorizing the granting of restrictive easements, nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in Bartow, Bibb, Butts, Chatham, Clinch, Douglas, Fulton, Gordon, Hall, Houston, McDuffie, Newton, Tattnall, and Ware County; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section

52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Bulloch of the 11th, and Mullis of the 53rd.

The Senate has disagreed to the House amendment to the Senate substitute to the following bill of the House:

HB 896. By Representatives Coleman of the 97th, Casas of the 103rd, Dudgeon of the 24th, Dickson of the 6th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, so as to change certain provisions regarding distribution of the sales tax for educational purposes; to provide for related matters; to provide for contingent effectiveness; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 929. By Representatives O`Neal of the 146th, Harden of the 147th, Dickey of the 136th, Nimmer of the 178th, Sims of the 169th and others:

A BILL to be entitled an Act to repeal an Act creating the office of assistant district attorney in each judicial circuit having a population of not less than 103,000 and not more than 135,000 according to the United States decennial census of 1970 or any future such census, approved March 31, 1976 (Ga. L. 1976, p. 3584), as amended, particularly by an Act approved April 15, 1992 (Ga. L. 1992, p. 1679); to repeal conflicting laws; and for other purposes.

HB 930. By Representatives O`Neal of the 146th, Harden of the 147th, Dickey of the 136th, Nimmer of the 178th, Sims of the 169th and others:

A BILL to be entitled an Act to repeal an Act providing for a supplemental expense allowance for the judges of the superior courts of each judicial circuit within this state having a population of not less than 103,000 and not more than 135,000 according to the United States decennial census of 1970 or any future such census, approved March 23, 1977 (Ga. L. 1977, p. 727), as

amended, particularly by an Act approved April 15, 1992 (Ga. L. 1992, p. 1680); to repeal conflicting laws; and for other purposes.

HB 1048. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process, so as to change provisions relating to who may serve process; to amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees collected by superior court clerks, so as to provide for filing fees for applications for certified process servers; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 665. By Representative Maddox of the 127th:

A BILL to be entitled an Act to amend Titles 9, 15, and 44, Chapter 18 of Title 50, and Code Section 36-9-5 of the O.C.G.A., relating to civil practice, courts, property, state printing and documents, and storage of documents, respectively, so as to modernize provisions relating to storage, collection, access, and transmittal of documents housed in clerk of superior court offices; to amend Code Section 1-3-1, Code Section 9-13-142, Title 15, and Title 42 of the Official Code of Georgia Annotated, relating to construction of statutes generally, requirements for an official organ of publication, courts, and penal institutions, respectively, so as to conform provisions and correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 9, 15, and 44, Chapter 18 of Title 50, and Code Section 36-9-5 of the Official Code of Georgia Annotated, relating to civil practice, courts, property, state printing and documents, and storage of documents, respectively, so as to modernize provisions relating to storage, collection, access, and transmittal of documents housed in clerk of superior court offices; to provide for modern technological advances in electronic record keeping; to provide for storage of depositions; to allow superior court clerks to serve as clerks in other courts; to change provisions relating to the selection of the clerk of court when a vacancy occurs; to increase the bond required by the clerk of court; to

change provisions relating to the clerk's duties; to change provisions relating to recordation and display of maps and plats; to change provisions relating to destruction of obsolete records and preservation of newspapers with legal advertisements; to change provisions relating to payment of costs; to remove provisions relating to punishment of clerks; to change provisions relating to the process for removal of clerks; to change provisions relating to the location of clerk's offices and office hours; to remove the fee system; to change provisions relating to cases transferred from magistrate to state or superior courts; to repeal provisions relating to disposition of books; to change provisions relating to recording property records; to change provisions relating to the release of a lien upon the filing of a bond; to change provisions relating to inspection of records; to change provisions relating to microform standards; to amend Code Section 1-3-1, Title 15, and Title 42 of the Official Code of Georgia Annotated, relating to construction of statutes generally, courts, and penal institutions, respectively, so as to conform provisions and correct cross-references; to amend Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, so as to clarify that certain persons shall be ineligible to serve as trial or grand jurors; to provide for the use of jurors summoned prior to the compilation of county master jury lists; to revise provisions relating to the qualifications of grand jurors; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by revising Code Section 9-11-29.1, relating to when depositions and other discovery material must be filed with court and custodian until filing, as follows:

"9-11-29.1.

(a) Depositions and other discovery material otherwise required to be filed with the court under this chapter shall not be required to be so filed unless:

(1) Required by local rule of court;

(2) Ordered by the court;

(3) Requested by any party to the action;

(4) Relief relating to discovery material is sought under this chapter and said material has not previously been filed under some other provision of this chapter, in which event copies of the material in dispute shall be filed by the movant contemporaneously with the motion for relief; or

(5) Such material is to be used at trial or is necessary to a pretrial or posttrial motion and said material has not previously been filed under some other provision of this chapter, in which event the portions to be used shall be filed with the clerk of ~~the~~ court at the outset of the trial or at the filing of the motion, insofar as their use can be reasonably anticipated by the parties having custody thereof, but a party attempting to

file and use such material which was not filed with the clerk at the outset of the trial or at the filing of the motion shall show to the satisfaction of the court, before the court may authorize such filing and use, that sufficient reasons exist to justify that late filing and use and that the late filing and use will not constitute surprise or manifest injustice to any other party in the proceedings.

(b) Until such time as discovery material is filed under paragraphs (1) through (5) of subsection (a) of this Code section, the original of all depositions shall be retained by the party taking the deposition and the original of all other discovery material shall be retained by the party requesting such material, and the person thus retaining the deposition or other discovery material shall be the custodian thereof.

(c) When depositions and other discovery material are filed with the clerk of court as provided in subsection (a) of this Code section, the clerk of court shall retain such original documents and materials until final disposition, either by verdict or appeal, of the action in which such materials were filed. The clerk of court shall be authorized thereafter to destroy such materials upon microfilming or digitally imaging such materials and maintaining such materials in a manner that facilitates retrieval and reproduction, so long as the microfilm and digital images meet the standards established by the Georgia Department of Archives and History; provided, however, that the clerk of court shall not be required to microfilm or digitally image depositions that are not used for evidentiary purposes during the trial of the issues of the case in which such depositions were filed."

SECTION 1-2.

Said title is further amended by revising subsection (a) of Code Section 9-12-81, relating to the general execution docket, as follows:

"(a) The clerk of ~~the~~ superior court of each county shall be required to keep a general execution docket in paper or electronic data base form."

SECTION 1-3.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-6-51, relating to eligibility to serve as city or state court clerk, as follows:

"15-6-51.

~~Clerks~~ The clerk of ~~the~~ superior ~~courts~~ court shall be eligible to hold the office of clerk of the ~~city or~~ municipal, state, or other court in the counties of their residence, on taking the oath and giving bond and security as prescribed by law."

SECTION 1-4.

Said title is further amended by revising Code Section 15-6-53, relating to appointment of clerk by presiding judge, as follows:

"15-6-53.

(a) ~~If there is an absence or if the clerk or his deputy for any reason does not act as clerk at the time provided by law for holding a term of the superior courts, the presiding~~

~~judge thereof shall appoint a clerk who shall hold the office of clerk during the term and for ten days thereafter. Any act which the appointed clerk does during such time which the clerk could have done shall be valid.~~ In any county in which a chief deputy clerk has been appointed pursuant to Code Section 15-6-59, the chief deputy clerk shall become the clerk of superior court if the clerk of superior court dies, resigns, is removed from office pursuant to the provisions of Code Section 45-2-1, or otherwise vacates office. The chief deputy clerk shall hold office for the unexpired term of his or her predecessor, provided that more than two years of the clerk's term of office have expired at the time the clerk vacates office. If more than two years of the clerk's term of office have not expired at the time the clerk vacates office, a special election shall be held, as provided in subsection (c) of Code Section 21-2-540, at least 120 days but no later than 365 days after the date the vacancy occurred. The person elected on such date shall hold office for the unexpired term of his or her predecessor. The returns of the election shall be made to the Governor, who shall immediately commission the person elected clerk.

(b)(1) In any county in which a chief deputy clerk has not been appointed pursuant to Code Section 15-6-59, the probate judge shall immediately appoint a qualified person to serve as the interim clerk of superior court when the clerk vacates office for any reason. Such interim clerk shall serve in such capacity until the vacancy is filled pursuant to the provisions of this subsection; provided, however, that the interim clerk shall not serve more than one year. Any act done by the interim clerk during such period that the clerk could have done shall be valid. ~~If, by the expiration of the time specified, there is no one else to act as clerk, the appointee mentioned in subsection (a) of this Code section may continue as such until there is an appointment or election. Any appointee or other person lawfully discharging the clerk's duties shall continue to do so until there is an election and qualification.~~

(2) When a vacancy is filled pursuant to paragraph (1) of this Code section and it is more than six months from the date when the clerk vacated office until the next general election is held, the election superintendent for the county shall call a special election to fill the vacancy, as provided in subsection (c) of Code Section 21-2-540, and such official shall give notice in one or more of the public newspapers of the county, if any, at the courthouse, and at three or more of the most public places of the county at least 30 days prior to the date of election. Such special election shall be held at least 120 days but no later than 365 days after the date the vacancy occurred. The person elected on such date shall hold office for the unexpired term of his or her predecessor. The returns of the election shall be made to the Governor, who shall immediately commission the person elected clerk."

SECTION 1-5.

Said title is further amended by revising Code Section 15-6-54, relating to the appointment by probate judge pending filling of vacancy and duration of appointment, as follows:

"15-6-54.

~~(a) As soon as a vacancy in the office of superior court clerk occurs or in anticipation of such a vacancy, the judge of the probate court must appoint some qualified person to discharge the duties of clerk until the vacancy is filled.~~

~~(b) When a vacancy occurs and it is not more than six months from the time the election can be called by the judge of the probate court and held until the existing term will expire, the person or persons appointed shall discharge the duties of the office for the balance of the term and there shall be no special election~~ Reserved."

SECTION 1-6.

Said title is further amended by revising Code Section 15-6-55, relating to emergency service by the probate court judge or clerk, as follows:

"15-6-55.

(a) If ~~from~~ as a result of any sudden emergency there is a vacancy in the office of clerk of superior court, and a ~~proper~~ person who meets the qualifications for a clerk of superior court as set forth in Code Section 15-6-50 cannot immediately ~~be appointed~~ fill the vacancy pursuant to Code Section 15-6-53, the judge of the probate court ~~or his clerk~~ shall act as clerk of ~~the~~ superior court for a period not to exceed 120 days. Any act done by the probate judge during such period that the clerk could have done shall be valid.

(b) If there is a temporary absence of the clerk of superior court for any reason not specified in Code Section 15-6-53 or if the clerk of superior court for any reason does not act as clerk at the time provided by law for holding a term of the superior courts and there is no chief deputy clerk to perform such duties, notwithstanding local law, the judges of the superior court of the judicial circuit by a majority vote shall appoint an interim deputy clerk who shall hold the office of clerk during the term of court and for ten days thereafter. If a majority of the judges do not agree to the selection of the interim deputy clerk, the chief judge of the superior court shall select the interim deputy clerk. Any act which the chief deputy clerk or the appointed clerk does during such time which the clerk could have done shall be valid."

SECTION 1-7.

Said title is further amended by revising Code Section 15-6-56, relating to election to fill vacancy, term of office, and filling of vacancies in counties with chief deputy clerk, as follows:

"15-6-56.

~~(a) When a vacancy occurs or in anticipation of a vacancy, the judge of the probate court of the county where it happens shall give notice in one or more of the public newspapers of the county, if any, and at the courthouse, and at three or more of the most public places of the county 20 days prior to the date of election, which date shall be set by him.~~

~~(b) The person elected on such date shall hold office for the unexpired term of his predecessor. The returns of the election must be made to the Governor, who must commission the clerk.~~

~~(c) In any county in which the position of chief deputy clerk has been created by law or in which a chief deputy clerk has been appointed pursuant to Code Section 15-6-59, the chief deputy clerk shall succeed the clerk of the superior court if a vacancy occurs. The chief deputy clerk shall serve until January 1 following the next general election which is held more than 60 days after the date the vacancy occurs; provided, however, that in no event shall the chief deputy clerk serve past the date that the successor is qualified immediately upon the expiration of the term of office in which the vacancy was created. If a portion of the original term will remain unexpired after January 1, then a person to fill the vacancy for the remainder of the unexpired term shall be elected at such general election. In any such case, the other provisions of law for filling such a vacancy shall not apply. The provisions of this subsection shall only be applicable to the clerk of the superior court and shall not be applicable to other county officers~~ Reserved."

SECTION 1-8.

Said title is further amended by revising subsection (a) of Code Section 15-6-58, relating to oath of office, as follows:

"(a) The clerks of ~~the~~ superior courts, before entering upon the discharge of their duties, whether appointed, elected, or acting by operation of law besides the oath required of all civil officers, must take and subscribe to the following oath:

'I do swear or affirm that I will truly and faithfully enter and record all the orders, decrees, judgments, and other proceedings of the Superior Court of the County of _____, and all other matters and things which I am required by law ~~ought by me to be recorded~~ to record; and that I will faithfully and impartially discharge and perform all the duties required of me, to the best of my understanding. So help me God.'"

SECTION 1-9.

Said title is further amended by revising Code Section 15-6-59, relating to bond and appointment of deputies, as follows:

"15-6-59.

(a) The ~~clerks~~ clerk of each of the superior courts~~, except those appointed by a judge of the superior court and those becoming clerk by operation of law,~~ shall execute bond in the sum of ~~$25,000.00~~ $150,000.00, which amount may be increased in any county by local Act or by an ordinance or resolution of the governing authority.

(b) The clerks of ~~the~~ superior courts shall have the power to appoint a deputy or deputies and ~~may~~, upon making such appointment, shall require from ~~him or them~~ such deputies a bond with good security. The deputies shall take the same oaths as the clerks do before entering upon the discharge of their duties. The oath shall be administered by the clerk of superior court and recorded on the minutes of the superior court. ~~Their powers~~ Powers and duties of deputy clerks shall be the same as those of the clerks, as

long as their principals continue in office and not longer, for faithful performance of which they and their securities shall be bound. The clerks of ~~the~~ superior courts shall also have the authority to appoint one of their deputies as chief deputy clerk ~~unless otherwise provided by local law~~."

SECTION 1-10.

Said title is further amended by revising Code Section 15-6-61, relating to duties of clerks generally, use of computerized record-keeping system, and printed copies of the grantor and grantee indices, as follows:

"15-6-61.

(a) It is the duty of a clerk of superior court:

(1) To keep the clerk's office and all things belonging thereto at the county site and at the courthouse or at such other place or places as authorized by law;

(2) To attend to the needs of the court ~~in~~ through the performance of the duties of the clerk required and enumerated by law, or as defined in court order, or rules;

(3) To issue and sign every summons, writ, execution, process, order, or other paper under authority of the court and attach seals thereto when necessary. The clerk shall be authorized to issue and sign under authority of the court any order to show cause in any pending litigation and any other order in the nature of a rule nisi, where no injunctive or extraordinary relief is granted;

(4) To keep in the clerk's office the following ~~dockets or books~~:

(A) An automated civil case management system which shall contain separate case number entries for all civil actions filed in the office of the clerk, including complaints, proceedings, Uniform Interstate Family Support Act actions, domestic relations, contempt actions, motions and modifications on closed civil actions, and all other actions civil in nature except adoptions;

(B) An automated criminal case management system which shall contain a summary record of all criminal indictments in which true bills are rendered and all criminal accusations filed in the office of ~~the~~ clerk of superior court. The criminal case management system shall contain entries of other matters of a criminal nature filed with the clerk, including quasi-civil proceedings and entries of cases which are ordered dead docketed at the discretion of the presiding judge and which shall be called only at the judge's pleasure. When a case is thus dead docketed, all witnesses who may have been subpoenaed therein shall be released from further attendance until resubpoenaed; and

(C) A docket, file, series of files, book or series of books, microfilm records, or electronic data base for recording all deeds, liens, executions, lis pendens, maps and plats, and all other documents concerning or evidencing title to real or personal property. When any other law of this state refers to a general execution docket, lis pendens docket, or attachment docket, such other law shall be deemed to refer to the docket or other record or records provided for in this subparagraph, regardless of the format used to store such docket;

(5) To keep all the books, papers, dockets, and records belonging to the office with care and security and to keep the papers filed, arranged, numbered, and labeled, so as to be of easy reference;
(6) To keep at the clerk's office all publications of the laws of the United States furnished by the state and all publications of the laws and journals of this state, all statute laws and digests, this Code, which shall be paid for from county or law library funds, the Supreme Court and Court of Appeals reports, and all other law books or other public documents distributed to ~~him~~ the clerk, for the public's convenience; provided, however, that the clerk may consent that these publications be maintained in the public law library;
(7) To procure a substantial seal of office with the name of the court and the county inscribed thereon~~, if this has not already been done~~;
(8) To make out and deliver to any applicant, upon payment to the clerk of legal fees, a correct transcript, properly certified, of any minute, record, or file of the clerk's office except for such records or documents which are, by provision of law, not to be released;
(9) Upon payment of legal fees to the clerk, to make out a transcript of the record of each case to be considered by the Supreme Court or the Court of Appeals and a duplicate thereof numbered in exact accordance with the numbering of the pages of the original transcript of the record to be transmitted to the Supreme Court and the Court of Appeals;
(10) To make a notation on all conveyances ~~or~~ of real or personal property, including liens, of the ~~day~~ date and time they were ~~left to be~~ recorded, which shall be evidence of the facts stated. ~~Beginning July 1, 1998, all~~ All liens or conveyances ~~left to be filed shall~~ presented to the clerk for filing shall be on 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch paper or the digital equivalent and shall have a three-inch margin at the top to allow space for the clerk's notation required by this paragraph. ~~If any lien or conveyance shall be presented for filing without sufficient margin, the clerk shall attach a piece of paper sufficient to give such margin at the top of the filing. Such notation~~ The clerk shall not record any instrument or document conveying real or personal property, including liens, that is not prepared as required by this paragraph. The notation required by this paragraph may be made by the clerk or the clerk's deputy or employee by written signature, facsimile signature, ~~or~~ mechanical printing, or electronic signature or stamp;
(11) To attest deeds and other written instruments for registration;
(12) To administer all oaths required by the court or that may otherwise be required by law and to record all oaths required by law;
(13) To transmit to the Georgia Superior Court Clerks' Cooperative Authority or its designated agent within 24 hours of filing of any financing statement, amendment to a financing statement, assignment of a financing statement, continuation statement, termination statement, or release of collateral, by facsimile or other electronic means, such information and in such form and manner as may be required by the Georgia Superior Court Clerks' Cooperative Authority, for the purpose of including such

information in the central indexing system administered by such authority; provided, however, that weekends and holidays shall not be included in the calculation of the 24 hour period;

(14) To remit to the Georgia Superior Court Clerks' Cooperative Authority a portion of all fees collected with respect to the filings of financing statements, amendments to financing statements, assignments of financing statements, continuation statements, termination statements, releases of collateral, or any other documents related to personal property and included in the central index, in accordance with the rules and regulations of such authority regarding the amount and payment of such fees; provided, however, that such fees shall be remitted to the authority not later than the tenth day of the month following the collection of such fees, and the clerk shall not be required to remit such fees more often than once a week;

(15) To participate in the state-wide uniform automated information system for real and personal property records, as provided for by Code Sections 15-6-97 and 15-6-98, and any network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the transmission and retrieval of electronic information concerning real estate and personal property data for any such information systems established by such authority so as to provide for public access to real estate and personal property information, including liens filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of ~~the~~ superior court shall provide to the authority or its designated agent in accordance with the rules and regulations of the authority such real estate information concerning or evidencing title to real property and such personal property information or access to such information which is of record in the office of clerk of ~~the~~ superior court and which is necessary to establish and maintain the information system, including information filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of ~~the~~ superior court shall provide and transmit real estate and personal property information filed in the office of ~~the~~ clerk of superior court, including information required by Code Section 44-2-2 and maps and plats, to the authority for testing and operation of the information system at such times and in such form as prescribed by the authority;

~~(15.1)~~(16) To participate in any network established by the Georgia Superior Court Clerks' Cooperative Authority relating to the transmission and retrieval of electronic information concerning carbon sequestration results and related transactions for any such information systems established by such authority for purposes of the carbon sequestration registry established pursuant to Article 5 of Chapter 6 of Title 12, so as to provide for public access to carbon sequestration registry information. Each clerk of ~~the~~ superior court shall provide to the authority or its designated agent in accordance with the rules and regulations of the authority such information evidencing carbon sequestration results and related transactions and access to such information which is of record in the office of clerk of ~~the~~ superior court and which is necessary for purposes of the carbon sequestration registry. Each clerk of ~~the~~ superior court shall provide and transmit carbon sequestration results and related transaction information filed in the office of ~~the~~ clerk of superior court to the authority for testing

and operation of the electronic information system for the carbon sequestration registry at such times and in such form as prescribed by the authority. Each clerk shall charge and collect such fees as may be established by the Georgia Superior Courts Clerks' Cooperative Authority, which shall be paid into the county treasury less and except any sums as are otherwise directed to be paid to the authority, all in accordance with rules and regulations adopted by the authority pursuant to Code Section 15-6-97.2;

~~(16)~~(17) To file and transmit all civil case filing and disposition forms required to be filed pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section 9-11-58;

~~(17)~~(18)(A) To transmit to the Superior Court Clerks' Cooperative Authority within 30 days of filing the civil case filing and disposition forms prescribed in Code Section 9-11-133.

(B) To electronically collect and transmit to the Georgia Superior Court Clerks' Cooperative Authority all data elements required in subsection (g) of Code Section 35-3-36 in a form and format required by the Superior Court Clerks' Cooperative Authority and The Council of Superior Court Clerks of Georgia. ~~The electronic collection and transmission of data shall begin no later than January 1, 2002.~~ The data transmitted to the authority pursuant to this Code section shall be transmitted to the Georgia Crime Information Center in satisfaction of the clerk's duties under subsection (g) of Code Section 35-3-36 and to the Georgia Courts Automation Commission ~~who~~ which shall provide the data to the Administrative Office of the Courts for use of the state judicial branch. Public access to said data shall remain the responsibility of the Georgia Crime Information Center. No release of collected data shall be made by or through the authority;

~~(18)~~(19) To participate in agreements, contracts, and networks necessary or convenient for the performance of ~~the~~ duties ~~provided in paragraphs (16) and (17) of this subsection~~ required by law;

~~(19)~~(20) To perform such other duties ~~as are or may be~~ required by law or as necessarily appertain to the office of clerk of ~~the~~ superior court; and

~~(20)~~(21) To keep an automated, computer based jury management system that facilitates the maintenance of the county master jury list pursuant to the provisions of Chapter 12 of this title unless this duty is delegated to a jury clerk as provided in subsection (a) of Code Section 15-12-11 or subsection (b) of Code Section 15-12-23.

(b) Nothing in this Code section shall restrict or otherwise prohibit a clerk from electing to store for computer retrieval any or all records, dockets, indices, or files; nor shall a clerk be prohibited from combining or consolidating any books, dockets, files, or indices in connection with the filing for record of papers of the kind specified in this Code section or any other law, provided that any automated or computerized record-keeping method or system shall provide for the systematic and safe preservation and retrieval of all books, dockets, records, or indices. When the clerk of superior court elects to store for computer retrieval any or all records, the same data elements used in a manual system shall be used, and the same integrity and security maintained.

Regardless of the automated or computerized system elected, each clerk shall maintain and make readily available to the public ~~complete, printed copies of the~~ real estate grantor and grantee indices, which shall be updated regularly~~,~~ and prepared in compliance with paragraph (15) of subsection (a) of this Code section and Code Section 15-6-66. A clerk of superior court shall be deemed to satisfy the provisions of subsection (c) of Code Section 50-18-70 when on-site, electronic access to computerized indices of county records is provided to the public during regular business hours and in compliance with this Code section."

SECTION 1-11.

Said title is further amended by revising Code Section 15-6-62, relating to additional duties, as follows:

"15-6-62.

(a) The clerk of ~~the~~ superior court is required to record all the proceedings relating to any civil action or criminal case within six months after the final determination of the case. Such recording may be in well-bound books, on microfilm, or in digital format. If a clerk elects to record proceedings on microfilm or in digital format, he or she shall make available to the public a machine for reading and reproducing such microfilmed or digitally formatted records. If a clerk elects to record proceedings in digital format, the provisions of Code Section 15-6-62.1 shall apply.

(b) Every clerk of ~~the~~ superior ~~or city courts must record immediately in his book of final records~~ court shall record, microfilm, or digitally image for the purpose of permanently preserving:

(1) Every part of the pleadings in every case;

(2) All garnishments, affidavits, bonds, and answers thereto;

(3) All attachment affidavits, bonds, and writs of attachment; and

(4) All claim affidavits and bonds and all bonds given in any judicial proceeding.

The ~~No~~ clerk shall not allow any ~~of such papers~~ record to be taken from his or her office before recording them as required in this Code section. ~~Such record shall constitute a part or all of the final record of the papers required by law to be made, as the case may be.~~

~~(c) If any subsequent paper in the case is recorded, the clerk shall make a reference at the foot of the record required in this Code section, to the page where such subsequent record may be found and shall also state the case in the index to the book of record and shall enter the number of the pages on which the same is to be found.~~

~~(d)~~(c) Where any paper ~~so recorded~~ becomes lost or destroyed, a certified copy thereof from the clerk of ~~the~~ superior court may be substituted. No fee shall be charged or collected for any such copy if the loss of the same is caused by or results from any negligence or fault of the clerk.

~~(e) Any clerk who fails to discharge the duties set forth in this Code section is subject to be fined by the presiding judge, on his own motion, for a contempt whenever the judge discovers that the clerk has failed to discharge his duties. It shall be the duty of the judges of the several superior courts to give this law specially in charge to the grand~~

~~juries and to require them to inform the court whether or not the clerk has performed the duties specified as aforesaid. However, clerks shall not be punished for contempt under this Code section until after the paper or papers required to be recorded have been filed for three months.~~

~~(f)~~(d) This Code section shall not apply to cases dismissed and settled before the record is made."

SECTION 1-12.

Said title is further amended by revising subsections (a) and (b) of Code Section 15-6-66, relating to grantor-grantee index, as follows:

"(a) The clerk of ~~the~~ superior court shall provide at the expense of each county a suitable duplex index book, or a series of books, or a card index, or a microfilm record, ~~or~~ an electronic data base, or an electronic, computer-based document management system, or any combination of one or more of such systems, in which shall be indexed the name of the grantor and grantee of every instrument recorded pursuant to subparagraph (a)(4)(C) of Code Section 15-6-61~~, such index to~~. Such index shall include the character of the instrument, the book or location of the record, and the date of filing ~~and to include the time of filing if not otherwise reflected in the record~~.

(b) The name of the grantor ~~as~~ listed in the index shall be the name of the owner of the title which such instrument purports to convey or affect, whether the instrument was executed by the owner or by some other person, firm, or corporation on behalf of such owner, and whether or not such owner is deceased."

SECTION 1-13.

Said title is further amended by revising Code Section 15-6-67, relating to recordation of maps and plats, and specifications, as follows:

"15-6-67.

(a) The clerk of ~~the~~ superior court shall file and record in his or her office maps or plats relating to real estate in the county.

(b) Maps or plats to be filed and recorded in the office of ~~the~~ clerk of ~~the~~ superior court shall be prepared in accordance with the ~~following~~ minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors:

(1) **Material.**

(A) Any such maps or plats shall be a good legible copy~~, such as a blue, white,~~ or ~~other~~ commercial print reproduced from an original.

(B) ~~The minimum line widths and letter or character heights delineated on such maps or plats shall be as follows:~~

~~(i) Maps or plats drawn on 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch tracings shall have a minimum line width of 0.010 inches and a minimum letter or character height of 0.080 inches;~~

~~(ii) Maps or plats drawn on 11 inch by 17 inch tracings shall have a minimum line width of 0.010 inches and minimum letter or character height of 0.080 inches; or~~

~~(iii) Maps or plats drawn on 17 inch by 22 inch or 24 inch by 36 inch tracings shall have a minimum line width of 0.013 inches and a minimum letter or character height of 0.080 inches.~~

~~(C) In counties using microfilming procedures, when a map or plat is filed for record the original drawing, which shall not be larger than 24 inches by 36 inches, shall be submitted to the clerk for microfilming and a legible copy, which shall not be larger than 17 inches by 22 inches, shall be filed for record; provided, however, that a full-size positive copy of the original may be tendered and used for microfilming.~~ The clerk shall enter manually or electronically the filing date, plat book number, and page number on the ~~original drawing~~ plats and shall cause the same information to be entered electronically on the digital copy presented for filing and shall return ~~the~~ an original ~~drawing~~ physical copy of the plat with the filing information on it to the land surveyor or the person filing the same for record. The clerk shall permanently retain the original physical and digital copy of the plat. Both the filing information and plat shall serve as evidence of the original drawing. The physical copy, the digital copy, or both may be displayed to the public in compliance with Code Section 15-6-68;

(2) **Caption.** ~~The maps~~ Maps or plats shall have a title or name which shall be contained in the caption, and the caption shall also provide the following information:

(A) The county, city, town, or village, land district and land lot, and subdivision, if the property lies within a particular subdivision;

(B) The date of plat preparation and the date of the field survey;

(C) The scale, stated and shown graphically;

(D) The name, address, telephone number, and registration number of the land surveyor or the statement that he or she is the county surveyor and is not required by law to be a registered surveyor; and

(E) All reproductions of original maps or plats shall bear the original signature, in ~~black~~ a contrasting color of ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat. The provisions of this subparagraph shall apply to all maps or plats that are sealed by a land surveyor which depict and describe real property boundaries. Maps and plats which do not meet the requirements of this subparagraph shall not be sealed nor recorded;

(3) **Size.** Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger than ~~can be recorded without folding;~~ 24 inches by 36 inches, provided that the clerk shall be authorized to file maps or plats in compliance with this subparagraph. When an original map or plat is submitted to the clerk for filing and recordation, the clerk shall be authorized to accept the plat for recordation only upon receiving a minimum of two properly signed reproductions of the original physical plat and a digital copy that has been created at full scale, properly signed and in an electronic format acceptable by the Georgia Superior Court Clerks' Cooperative Authority. The digital copy shall be submitted via media approved by the clerk.

~~(4) **Data.** Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:~~

~~(A) All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;~~

~~(B) All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;~~

~~(C) All maps or plats of boundary surveys shall show the closure precision of the field survey as the ratio of one foot to the traversed distance in which an error of one foot would occur and a statement as to the method of adjustment. The closure may be stated as follows:~~

~~'The field data upon which this map or plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule';~~

~~(D) All maps or plats of boundary surveys shall show the closure precision of the data shown on the map or plat. The closure may be stated as follows:~~

~~'This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet';~~

~~(E) All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;~~

~~(F) All maps or plats shall show easements and apparent encroachments, if pertinent;~~

~~(G) In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;~~

~~(H) All land lot lines, land district lines, land section lines, and city, county, and state boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;~~

~~(I) All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone;~~

~~(J) An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;~~

~~(K) All linear distances shown on maps or plats shall be horizontal;~~

~~(L) All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000,~~

~~the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian;~~

~~(M) A statement shall be shown on the map or plat to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat; and~~

~~(N) All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.~~

(c) If the plat meets the requirements of subsections (b) and (d) of this Code section, it shall be the duty of the clerk of ~~the~~ superior court to file and record such ~~map or~~ plat ~~or blueprint, tracing, photostatic copy, or other copy of a map or~~ and digital image of such plat.

(d) Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and upon receiving approval thereon by the appropriate governing authority, then no plat of subdivision of land within the municipality or the county shall be filed or recorded in the office of ~~the~~ clerk of ~~the~~ superior court of a county without the approval thereon of the municipal or county planning commission or governing authority and without such approval having been entered in writing on the plat by the secretary or other designated person of the municipal or county planning commission or governing authority. The clerk of ~~the~~ superior court shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection. Notwithstanding any other provision of this subsection to the contrary, no approval of the municipal or county planning commission or governing authority shall be required if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat of survey containing thereon a certification from ~~the~~ a licensed surveyor that the provisions relative to this subsection do not require approval of the municipal or county planning commission or governing authority shall entitle said plat to record. Any licensed surveyor who fraudulently certifies that a plat of survey does not require the approval specified in this subsection shall be guilty of a misdemeanor."

SECTION 1-14.

Said title is further amended by revising Code Section 15-6-68, relating to display of maps and plats, index, land lot record, and notation of date and time on face of plat, as follows:

"15-6-68.

(a) The clerk of each superior court shall provide ~~appropriate binders, not less than 18 inches by 24 inches in size, in which the maps or plats or prints thereof referred to in Code Section 15-6-67 shall be placed without the necessity of folding in any manner.~~

~~One of the binders and the prints therein contained shall be open to the general public for inspection, as are all other public records in the clerk's office. Alternatively, in those counties using microfilm procedures, the clerk thereof shall take such steps as are necessary to provide access to the same information~~ books, binders, or any other alternative system, either manual or electronic, for providing public access to maps and plats. For all electronic images of plats submitted to the clerk on or after July 1, 2012, the clerk shall provide necessary equipment for printing either an entire full-size copy of each recorded plat or copies of sections of each entire recorded plat, printed in full scale.

(b) The clerk of ~~the~~ superior court shall ~~also~~ provide an ~~appropriate index book, or a series of index books, or a card index, or a microfilm record, or an electronic data base, or any combination of one or more of such systems, in which shall be indexed all such~~ electronic, computer-based indexing system in which shall be indexed all maps or plats under the caption or name of the subdivision, if any, under the name of the owner or owners of the property mapped or platted, and also under the land lot number and district number if the land lies in that portion of the state which has been surveyed into land lots and districts.

(c) In counties of this state that are divided into land lots, the clerk of superior court shall ~~maintain a record for each individual~~ provide an electronic, computer-based system for maintaining and searching a record for each land lot and land district by listing all surveys made for each lot and where they are recorded.

(d) The clerk shall note the date and time of the filing of a plat for record on the face of the plat."

SECTION 1-15.

Said title is further amended by revising Code Section 15-6-73, relating to destruction of obsolete records, as follows:

"15-6-73.

(a) Clerks of ~~the~~ superior court ~~are~~ shall be authorized, from time to time, to destroy books containing records of instruments conveying personal property only, including bills of sale, mortgages, conditional sales contracts, retention title contracts, and bills of sale to secure debt, ~~which records are over 15~~ whenever the records are older than five years of age.

(b) Every clerk of ~~the~~ superior court ~~or city court is~~ shall be, from time to time, authorized to destroy original civil pleadings which have been recorded in the minutes or writ books of the court in every civil case which has been finally terminated for 20 years or more, except cases involving divorce, titles to land, legitimation of a child or children, and proceedings for adoption."

SECTION 1-16.

Said title is further amended by revising Code Section 15-6-74, relating to preservation of newspapers containing advertisements, as follows:

"15-6-74.

(a) The clerk of ~~the~~ superior court is required to procure and preserve for public inspection a complete file of all newspaper issues in which ~~his~~ legal advertisements ~~actually appear~~ are published.

(b) The issues of the newspapers so preserved shall be bound, microfilmed, ~~photostated, or~~ photographed, or digitally imaged in a format approved by the clerk and such newspapers, microfilm, photographs, or ~~photostatic~~ copies thereof shall be maintained ~~within the county courthouse~~ and made available to the public for a period of not less than 50 years, after which time the newspapers, microfilm, photographs, ~~or other photostatic copies may be destroyed, at the discretion of the clerk of the superior court~~ or copies thereof shall be preserved for historical purposes in electronic or micrographic format.

(c) The clerk of ~~the~~ superior court is authorized to enter into an agreement with either the judge of the probate court or the sheriff of the county, or both, relative to the binding, retention, microfilming, photographing, or ~~photostating~~ digital imaging of the newspapers and their preservation and retention, in which event it shall be necessary that only one set of newspapers or copies thereof shall be retained in the county courthouse. Such set of newspapers or copies thereof shall include copies of the newspaper issues in which the clerk's advertisements appear and the newspaper issues in which the advertisements which the judge of the probate court or the sheriff, or both, are required to preserve and retain appear. The agreement shall specify the person who shall maintain and preserve the newspapers, microfilm, photographs, or ~~photostatic~~ digital copies.

(d) Upon the request of a clerk of superior court, any journal or newspaper declared, made, or maintained as the official organ of any county for the publication of sheriff's sales, citations of probate court judges, or any other advertising commonly known in terms of 'official or legal advertising' shall provide to the clerk of superior court copies of such journal or newspaper containing legal advertisements, in digital format, as required by the clerk, when the clerk shall be required to comply with provisions of subsection (a) or (b) of this Code section. The copies shall be provided to the clerk, the judge of the probate court, and the sheriff by January 31 of the year following the year in which the newspaper served as the official legal organ of the county. The ability of a journal or newspaper to provide copies digitally or electronically may be a qualification by the clerk of superior court, the probate judge, and the sheriff in designating a journal or newspaper as the official legal organ of the county."

SECTION 1-17.

Said title is further amended by revising Code Section 15-6-79, relating to payment of unpaid costs in felony cases, as follows:

"15-6-79.

~~In all of the counties of this state in which superior court clerks are paid on a fee basis, all unpaid costs arising from services rendered in felony cases, including transcripts to appellate courts under indigency affidavits, which are due clerks of the superior courts~~

~~shall be paid from county funds after each term of court by order of the judge approving same, whether the defendant is convicted or acquitted~~ Reserved."

SECTION 1-18.

Said title is further amended by revising Code Section 15-6-80, relating to payment of transcript costs to clerk before transmittal, as follows:

"15-6-80.

In all cases certified to the appellate courts, the costs for preparing the transcript of the record shall be paid by the appellant to the clerk before the same is transmitted unless the judge presiding over the case being appealed approves an affidavit submitted to the judge by the appellant ~~makes affidavit that he~~ certifying that the appellant is unable to pay such costs or ~~give security therefor~~ upon the appellant providing adequate security for such costs."

SECTION 1-19.

Said title is further amended by revising Code Section 15-6-82, relating to removal of superior court clerks, charges, and trial, as follows:

"15-6-82.

~~A clerk of the superior court is subject to be removed from office by the judge of the court for any sufficient cause, including incapacity or misbehavior in office. The charges must be exhibited to the court in writing, and the facts tried by a jury. The clerk shall be entitled to a copy of the charges three days before trial.~~

(a) Whenever the Governor determines that an investigation of a clerk of superior court of this state should be made as a result of criminal charges, alleged misconduct in office, or alleged incapacity of the clerk of superior court to perform the functions of his or her office, the Governor shall appoint an investigative committee consisting of two clerks of superior court who are members of The Council of Superior Court Clerks of Georgia and the Attorney General to conduct an investigation. Such clerks of superior court may be from any two counties in the state other than the county of the clerk of superior court under investigation. The members of any such committee shall receive no compensation for their services but shall be reimbursed for any expenses incurred in connection with an investigation. The funds necessary to conduct an investigation shall come from the funds appropriated to the executive branch of the state government.

(b) Any member of the committee shall be authorized to administer oaths to any witness before the committee. The committee shall make a report of its investigation to the Governor within 30 days from the date of the appointment of both clerk members by the Governor.

(c) If the committee recommends the suspension of the clerk of superior court, the Governor shall be authorized to suspend the clerk of superior court for a period of up to 60 days. In any case where a clerk of superior court has been suspended for 60 days, the Governor may extend the period of suspension for an additional 30 days. Upon such recommendation, the Governor shall also be authorized to request the district

attorney of the county of the clerk's residence to bring a removal petition against the clerk in superior court based upon the evidence reported by the committee. After the filing of such petition, a clerk of superior court is subject to being removed from office by the judge of the court for any sufficient cause, including incapacity or misbehavior in office. The charges must be exhibited to the court in writing, and the facts tried by a jury. The clerk shall be entitled to a copy of the charges three days before trial. In the event that the Governor determines that further investigation should be made, the Governor may then order additional investigation by the committee, the Georgia Bureau of Investigation, other law enforcement agencies of this state, or any special committee appointed by the Governor for such purpose. During any period of suspension, the clerk shall continue to hold office; however, the chief deputy clerk shall perform the duties of the clerk of superior court or, in the absence of a chief deputy clerk, an interim clerk shall be appointed as provided in paragraph (1) of subsection (b) of Code Section 15-6-53 to perform the duties of the clerk during the period of suspension.

(d) If the clerk of superior court is indicted for a felony, the provisions of Code Section 45-5-6 shall apply."

SECTION 1-20.

Said title is further amended by revising Code Section 15-6-86, relating to location of clerk's office in place other than courthouse, storage of records in different location, and county documents exception, as follows:

"15-6-86.

(a) In the event that the space at the courthouse is inadequate for the clerk's office and the things belonging thereto, the clerk, in writing, may request the governing authority of the county to move his or her office to some other designated place in the county. In his or her request, the clerk shall state the inadequacy which exists. The governing authority ~~is~~ shall be authorized to comply with the request ~~and may~~ but may only designate another place as the office of the clerk with the approval of the clerk. Such place must be owned by the county or a body politic and shall not be more than 500 feet from the courthouse at their nearest points. ~~The judge~~ Notwithstanding local law, the judges of the superior court of the judicial circuit ~~in which the county is located or the chief judge in those circuits having more than one judge~~ by a majority vote must give written consent before the clerk shall be authorized to move his or her office to such place; provided, however, that failing a majority agreement the chief judge of the judicial circuit shall make such determination.

(b) In the event that space at the courthouse or other place where the office of the clerk is located is inadequate to ensure the safe storage of archival or inactive records, the clerk, after obtaining written ~~permission~~ approval from the governing authority of the county ~~and from the superior court judge of the circuit in which the county is located or the chief judge in those circuits having more than one judge~~, may cause the records to be stored at a data storage and retrieval facility within the State of Georgia. The clerk shall give public notice of the place of storage by posting notice at the courthouse. If

documents are stored ~~outside the county where the documents were created~~ in any place other than the location where the documents were created, filed, or recorded, the government entity shall:

(1) Bear all costs of transporting such documents back to the county of origin for purposes of responding to requests under Article 4 of Chapter 18 of Title 50, relating to inspections of public records; and

(2) Provide by contract for:

(A) Specific retrieval times in which documents requested shall be delivered; and

(B) Payment of additional fees by the person requesting the document from the clerk for expedited service.

(c)~~(1) Subject to the requirements of paragraph (2) of this subsection, in~~ In a county where the county site is located in an unincorporated area of the county and the county governing authority has constructed one or more permanent satellite courthouses within the county and has further designated each such structure as a courthouse annex or has otherwise established each such structure as an additional courthouse to the courthouse located at the county site, the clerk of superior court shall be authorized to maintain his or her offices and all things belonging thereto including the permanent records at one of the additional courthouse locations or at the courthouse at the county site. The clerk of superior court may, but ~~is~~ shall not be required to, maintain a satellite office at an additional courthouse which is not the location of the clerk of superior court's main office where the permanent records are kept. No one may for any purpose remove records of the clerk of superior court from the courthouse or the clerk's satellite office without the written consent of the clerk; provided, however, that a judge or the judge's designee may check out a record or file for a case assigned to such judge upon providing a written receipt for such record or file to the clerk.

~~(2) The judge of the superior court of the circuit in which the county is located, or the chief judge if the county is a part of a circuit having more than one judge, must give written consent for the relocation or additional office, or both, and the county governing authority shall provide the necessary office space at the alternate or additional location, or both.~~

(d) Notwithstanding any other provision of this Code section, county documents, as defined in subsection (c) of Code Section 36-9-5, shall be stored only in accordance with the provisions of Code Section 36-9-5."

SECTION 1-21.

Said title is further amended by revising Code Section 15-6-87, relating to use of photostatic and photographic equipment, as follows:

"15-6-87.

(a) ~~The clerk of the superior court of any county of this state may install and use photostatic or other photographic equipment, including microfilm photographic equipment, and electronic or computer equipment for use in the filing, docketing, recording, copying, binding, indexing, certification, and furnishing of copies, including certified copies, of any and all instruments, records, and proceedings or parts of the~~

~~same of record or on file in the clerk's office, with the consent and permission only of the county governing authority. The equipment and supplies for the same may be provided by the proper and respective county authorities out of county funds.~~ The county governing authority shall supply all fixtures, supplies, and equipment necessary for the proper functioning of the office of clerk of superior court.

(b) All provisions of law relating to the filing, docketing, recording, keeping, copying, binding, indexing, certification, and furnishing of copies of records, including certified copies, and those provisions relating to the amount of fees of officers in connection therewith, as far as may be consistent with this Code section, shall apply to such ~~photostatic and~~ digital, photographic, and electronic records and copies.

~~(c) The provisions of this Code section for the installation and use of the equipment enumerated in subsection (a) of this Code section shall be construed as permissive only and are cumulative of other laws. However, should such equipment be purchased as authorized in this Code section, the use of the equipment shall be mandatory insofar as practical.~~

~~(d) This Code section shall not be construed to change or repeal any rule of court or provision of law relating to records on appeal or review in the courts of this state.~~"

SECTION 1-22.

Said title is further amended by repealing Code Section 15-6-87.1, relating to participation in state-wide county computerized information network and authorized fees, as follows:

"~~15-6-87.1.~~

~~Provided that the General Assembly appropriates the necessary funds for the establishment and operation of a state-wide county computerized information network, each clerk of a superior court shall participate in the network so as to provide local public access to any information which is filed with the Secretary of State pursuant to Title 14 and which is available through such a computerized information network. The network may be developed to provide each clerk of a superior court with additional public information. Each clerk of a superior court shall be authorized, but not required, to charge and collect a fee of not more than $2.00 for the first page and 50¢ per page for each additional page to recover the cost of providing a printed copy of any information which is available through the computerized information network.~~"

SECTION 1-23.

Said title is further amended by revising Code Section 15-6-88.1, relating to adjustment of schedule for certain counties containing federal land, as follows:

"15-6-88.1.

~~In any county in which more than 70 percent of the population of the county according to the United States decennial census of 1980 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for purposes of Code Section 15-6-88 shall be deemed to~~

~~be the total population of the county minus the population of the county which resides on property of the United States government.~~ Reserved."

SECTION 1-24.

Said title is further amended by revising Code Section 15-6-89, relating to additional remuneration for certain services, as follows:

"15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary provided by any applicable general or local law, each clerk of ~~the~~ superior court of any county who also serves as clerk of a state court, ~~city~~ court classified as a municipal court but funded through appropriations of the county governing authority, juvenile court, ~~or~~ civil court under any applicable general or local law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code Section 15-12-1.1 shall receive for his or her services in such other court a salary of not less than $323.59 per month, to be paid from the funds of the county. In the event any such court for which a clerk of ~~the~~ superior court is serving as clerk is abolished, the clerk of ~~the~~ superior court shall not be entitled to any salary heretofore received for service in such court."

SECTION 1-25.

Said title is further amended by revising Code Section 15-6-92, relating to continuation of fee system, as follows:

"15-6-92.

~~Code Sections 15-6-88 through 15-6-91 and this Code section shall not be construed so as to place any clerk of the superior court who is on the fee system of compensation on April 1, 1973, on a salary system of compensation. Any clerk who is compensated under the fee system of compensation on April 1, 1973, shall continue to receive compensation under the fee system of compensation until local legislation is enacted by the General Assembly placing such clerk on an annual salary equal to or greater than the minimum annual salary provided for in Code Sections 15-6-88 through 15-6-91 and this Code section.~~ Reserved."

SECTION 1-26.

Said title is further amended by revising Code Section 15-6-93, relating to office hours, as follows:

"15-6-93.

(a) Except as provided in this Code section, the office of each clerk of ~~the~~ superior court shall be open to conduct business Monday through Friday from at least 9:00 A.M. until 5:00 P.M. and shall not close for any period of time during such hours.

(b) Any office of ~~a~~ clerk of ~~a~~ superior court which is open for operation on Saturday may close on one day Monday through Friday for a period of time equal to that period of time during which the office is open on Saturday. Nothing in this Code section shall be construed as requiring any office of ~~a~~ clerk of ~~a~~ superior court to be open on any

public ~~and~~ holiday, legal holiday ~~or~~, day of rest ~~which~~, or other similar time that is recognized and designated as such by Georgia law or by the governing authority of the county.

(c) This Code section shall only apply to the office of ~~a~~ clerk of ~~a~~ superior court if there is employed in that office at least one employee other than the clerk.

(d) In any county of this state having a population of fewer than 10,000 persons according to the United States decennial census of 1980 or any future such census, the clerk of superior court may close such office for a designated lunch period if all other county offices in the county courthouse simultaneously close for a lunch period. The period of closing of the clerk's office shall coincide with the period for closing the other county offices.

(e) Nothing in this Code section shall be construed to require the office of ~~the~~ clerk of ~~the~~ superior court to be open if all other county offices are closed because of inclement weather or any other reason.

(f) When it is necessary for the clerk of superior court to conduct necessary training of employees, the clerk may close his or her office for up to eight hours during any six-month period, provided that he or she gives at least ten days' notice to the public, or sooner with the approval of the chief judge of the superior court, prior to such closing, and provided, further, that there are no proceedings scheduled in superior court during the time of the closing. Proceedings shall include all civil or criminal hearings or trials, whether or not a jury is required.

(g) When the clerk's office is closed for training purposes, the period of closure shall be deemed a legal holiday for such office and, therefore, all deadlines provided for by law for filing in the clerk's office any pleading, process, summons answer, or other document shall be extended to the next regular business day of the clerk's office. 'Business day' means a day on which the clerk's office is open for business and shall not include any Saturday, Sunday, or legal holiday officially observed by the office as provided in this Code section."

SECTION 1-27.

Said title is further amended by adding a new Code section to read as follows:

"15-6-100.

No agreement by a clerk to acquire services, supplies, or equipment authorized by this article that requires expenditure of county funds may be entered into unless the funds to be obligated are included in the budget of the county for the operation of the clerk's office at the time of the execution of such agreement."

SECTION 1-28.

Said title is further amended by revising Code Section 15-10-87, relating to magistrate court filing fees to be transferred upon transfer of case to state or superior court, as follows:

"15-10-87.

(a) When any case is transferred from the magistrate court to the state court or superior court, the magistrate court shall transmit to the state court clerk or superior court clerk the filing fee paid to the magistrate court. The state court clerk or superior court clerk shall file the case without further deposit against costs or filing fee, but as between the parties the costs shall be as in other cases in the state court or superior court. This subsection shall only apply to actions filed on or before June 30, 2012.

(b) When any case is transferred from the magistrate court to the state court or superior court, the magistrate court shall transmit to the state court clerk or superior court clerk the filing fee paid to the magistrate court. The state court clerk or superior court clerk shall file the case without further deposit against costs or filing fee; provided, however, that all costs and filing fees shall be paid by the parties within 30 days. Failure to pay such costs and filing fees shall result in a dismissal of the transferred case unless there is good cause shown. The magistrate court clerk shall transmit to the clerk of the state court or superior court a certified copy of the contents of the entire file for the case being transferred. This subsection shall only apply to actions filed on or after July 1, 2012."

SECTION 1-29.

Said title is further amended by revising subsection (a) of Code Section 15-13-33, relating to the table of fees to be kept, as follows:

"(a) Every public official ~~must~~ shall constantly keep and have posted in a conspicuous place in his or her office ~~or~~, the place where ~~he usually executes~~ the business thereof is conducted, or in an electronic format accessible to the public a table of ~~his~~ fees for his or her office stated in fair words and figures. ~~On failure to do so, he shall forfeit $1.00 per day for every day he so neglects, to be recovered at the action of any informer. The informer shall be entitled to keep the entire recovery.~~"

SECTION 1-30.

Said title is further amended by revising Code Section 15-13-36, relating to restrictions on superior or state court clerks charging fees for certified copies of records, as follows:

"15-13-36.

No clerk of any superior court or state court shall charge any fee for providing any certified copy of any record or portion thereof requested by a ~~solicitor, solicitor-general, district attorney, or assistant district~~ prosecuting attorney in this state for use in any criminal case."

SECTION 1-31.

Said title is further amended by revising Code Section 15-16-11, relating to disposition of books, as follows:

"15-16-11.

~~All books which the sheriff is required to keep, after becoming full, must be deposited in the office of the clerk of the superior court to be kept as are other books of record;~~

~~provided, however, that records which the sheriff is required to keep and which are computerized shall be maintained and stored for computer retrieval in the office of sheriff~~ Reserved."

SECTION 1-32.

Code Section 36-9-5 of the Official Code of Georgia Annotated, relating to erection, repair, and furnishing of county buildings and storage of documents, is amended by revising paragraph (2) of subsection (c) as follows:

"(2) A county officer, the county board of tax assessors, or any other officer of the county having the responsibility or custody of any county documents set forth in paragraph (1) of this subsection shall, at night or when the county office is closed, keep such county documents:

(A) In a fireproof safe or vault;

(B) In fireproof cabinets;

(C) On microfilm, pursuant to the standards set forth in Article 6 of Chapter 18 of Title 50, only if a security copy has been sent to the Georgia State Archives; ~~or~~

(D) At a location not more than 100 miles from the county in a data storage and retrieval facility approved by the county governing authority within the State of Georgia which is in a building or facility which is in compliance with the fire safety standards applicable to archives and record centers as established by the National Fire Protection Association in Standard No. 232, as such standard was adopted on August 11, 1995. If documents are stored outside the county where the documents were created, the government entity shall bear all costs of transporting such documents back to the county of origin for purposes of responding to requests under Article 4 of Chapter 18 of Title 50, relating to inspections of public records. Such documents shall be made available to the requester; or

(E) On any other electronic imaging medium that facilitates retrieval of such documents via electronic means, provided that such medium enables conversion of such documents to future electronic imaging technologies and provided that such custodian creates a daily computer-based backup of all archival documents stored on such medium."

SECTION 1-33.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising subsection (a) of Code Section 44-2-14, relating to requirements for recordation, as follows:

"(a) Except for documents electronically filed as provided for in Chapter 12 of Title 10, and in other Code sections in this part, before ~~Before~~ any deed to realty or personalty or any mortgage, bond for title, or other recordable instrument executed in this state may be recorded, it ~~must~~ shall be an original instrument and shall be attested or acknowledged as provided by law. However, nothing in this Code section shall dispense with another witness where an additional witness is required. This Code section shall not apply to transactions covered by Article 9 of Title 11."

SECTION 1-34.

Said title is further amended by revising Code Section 44-2-26, relating to recording of a plat or a copy of a plat, as follows:

"44-2-26.

The owner of real property or of any interest therein or any holder of a lien thereon may have a plat of the property or a blueprint, tracing, ~~photostatic~~ digital copy, or other copy of a plat of the property recorded and indexed in the office of the clerk of the superior court of the county in which the property or any part thereof is located. It shall be the duty of the clerk to record and index any plat or any blueprint, tracing, ~~photostatic~~ digital copy, or other copy of the plat that conforms with Code Section 15-6-67."

SECTION 1-35.

Said title is further amended by revising Code Section 44-5-30, relating to requisites of deeds to lands, as follows:

"44-5-30.

Except for documents electronically filed as provided for in Chapter 12 of Title 10 and Part 1 of Article 1 of Chapter 2 of this title, a ~~A~~ deed to lands ~~must~~ shall be an original document, in writing, signed by the maker, and attested by at least two witnesses. It ~~must~~ shall be delivered to the purchaser or his or her representative and be made on a good or valuable consideration. The consideration of a deed may always be inquired into when the principles of justice require it."

SECTION 1-36.

Said title is further amended by revising Code Section 44-14-4, relating to the procedure for cancellation of mortgage, as follows:

"44-14-4.

Any mortgagor who has paid off his or her mortgage may present the paid mortgage to the clerk of the superior court of the county or counties in which the mortgage instrument is recorded, together with the order of the mortgagee or transferee directing that the mortgage be canceled. After payment of the fee authorized by law, the clerk shall index and record, in the same manner as the original mortgage instrument is recorded, the canceled and satisfied mortgage instrument or such portion thereof as bears the order of the mortgagee or transferee directing that the mortgage be canceled, together with any order of the mortgagee or transferee directing that the mortgage be canceled. The clerk shall show on the index of the cancellation and on the cancellation document the deed book and page number where the original mortgage instrument is recorded. The clerk shall manually or through electronic means record across the face of the mortgage instrument the words 'satisfied' and 'canceled' and the date of the entry and shall sign his or her name thereto officially. The clerk shall also manually or electronically make a notation on the record of the mortgage to indicate where the order of the cancellation is recorded."

SECTION 1-37.

Said title is further amended by revising Code Section 44-14-364, relating to the release of a lien upon filing of bond, as follows:

"44-14-364.

(a) When any person entitled under this part to claim a lien against any real estate located in this state files his or her lien in the office of the clerk of the superior court of the county in which the real estate is located, the owner of the real estate or the contractor employed to improve the property may, before or after foreclosure proceedings are instituted, discharge the lien ~~by filing a bond in the office of that clerk~~ upon the approval of a bond by the clerk of superior court. The bond shall be conditioned to pay to the holder of the lien the sum that may be found to be due the holder upon the trial of any lien action that may be filed by the lienholder to recover the amount of his or her claim within 365 days from the time the claim of lien is filed. The bond shall be in double the amount claimed under that lien and shall be either a bond with good security approved by the ~~clerk of the court~~ clerk of superior court or a cash bond, except in cases involving a lien against ~~residential property~~ the owner's domicile, in which event the bond shall be in the amount claimed under the lien. An owner or contractor may be required to provide supporting data to the clerk to prove the value of domiciled property when such property serves as a bond to discharge a lien provided for in this Code section. Upon the ~~filing~~ approval by the clerk of the bond provided for in this Code section, the real estate shall be discharged from the lien. For purposes of this subsection, the term 'domicile' means the established, fixed, permanent, or ordinary dwelling place of the owner.

(b) Within seven days of filing ~~such~~ the bond required by subsection (a) of this Code section and any attachments, the party filing ~~the~~ such bond shall send a notice of filing such bond and a copy of the bond by registered or certified mail or statutory overnight delivery to the lien claimant at the address stated on the lien or, if no such address is shown for the lien claimant, to the person shown as having filed such lien on behalf of the claimant at the indicated address of such person or, if the bond is filed by a contractor, to the owner of the property, provided that whenever the lien claimant or the owner is an entity on file with the Secretary of State's Corporations Division, sending the notice of filing such bond and a copy of the bond to the company's address or the registered agent's address on file with the Secretary of State shall be deemed sufficient; provided, however, that the failure to send the notice of filing the bond and copy of the bond shall not invalidate the bond for purposes of discharge of a claim of lien under this Code section. With respect to property bonds, the clerk shall not accept any real property bond unless the real property is scheduled in an affidavit attached thereto setting forth a description of the property and indicating the record owner thereof, including any liens and encumbrances and amounts thereof, the market value, and the value of the sureties' interest therein, which affidavit shall be executed by the owner or owners of the interest; the bond and affidavit shall be recorded in the same manner and at the same cost as other deeds of real property. So long as the bond exists, it shall constitute a lien against the property described in the attached affidavit.

~~(b)~~(c) The clerk of the superior court shall have the right to rely upon the amount specified in the claim of lien in determining the sufficiency of any bond to discharge under this Code section. The failure to specify both the amount claimed due under the lien and the date said claim was due shall result in such lien not constituting notice for any purposes.

(d) The clerk of the superior court shall be held harmless for good faith regarding any discretionary act in connection with approval of any bond provided for in this Code section."

SECTION 1-38.

Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing and documents, is amended by revising subsection (c) of Code Section 50-18-70, relating to inspection of public records, as follows:

"(c) ~~Any~~ Except as provided in subsection (b) of Code Section 15-6-61, any computerized index of a county real estate deed records shall be printed or made available through electronic means for purposes of public inspection no less than every 30 days and any correction made on such index shall be made a part of the printout or made available through electronic means and shall reflect the time and date that said index was corrected."

SECTION 1-39.

Said chapter is further amended by revising subsection (a) of Code Section 50-18-98, relating to title to records and access to records of constitutional officers, as follows:

"(a) Title to any record transferred to the Georgia State Archives as authorized by this article shall be vested in the division. The division shall not destroy any record transferred to it by an agency without consulting with the proper official of the transferring agency prior to submitting a retention schedule requesting such destruction to the State Records Committee. Access to records of constitutional officers shall be at the discretion of the constitutional officer who created, received, or maintained the records, but no limitation on access to such records shall extend more than 25 years after creation of the records. As used in this Code section, the term 'constitutional officer' means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor."

SECTION 1-40.

Said chapter is further amended by revising Code Section 50-18-120, relating to the authority for establishment of microform standards, as follows:

"50-18-120.

The authority for the establishment of microform standards shall be vested in the State Records Committee. All powers and duties of the State Records Committee as provided in Article 5 of this chapter shall be applicable to the establishment and maintenance of microform standards in this state. With respect to microform standards

for the courts, the concurrence of ~~the Administrative Office of the Courts~~ The Council of Superior Court Clerks of Georgia and the Judicial Council of Georgia shall be required for the establishment of such standards."

PART II
SECTION 2-1.

Code Section 1-3-1 of the Official Code of Georgia Annotated, relating to construction of statutes generally, is amended by revising division (d)(2)(A)(ii), as follows:

"(ii) Code Sections 15-6-88 through ~~15-6-92~~ 15-6-91;"

SECTION 2-2.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (c) of Code Section 15-1-10, relating to removal and storage of court records, as follows:

"(c) With the prior written consent of the governing authority of the county or municipality and the prior written consent of the chief judge, judge of the probate court, or chief magistrate of the affected court, the clerk of each superior court, state court, probate court, magistrate court, juvenile court, or municipal court in this state is authorized, but not required, to create and maintain digital copies of records, pleadings, orders, writs, process, and other documents submitted to or issued by the court in criminal, quasi-criminal, juvenile, or civil proceedings or in any proceedings involving the enforcement of ordinances of local governments. All digital copies created pursuant to this subsection shall be accurate copies of the original documents and shall be stored and indexed in such manner as to be readily retrievable in the office of the clerk during normal business hours. It shall be the duty of the clerk to provide and maintain software and computers, readers, printers, and other necessary equipment in sufficient numbers to permit the retrieval, duplication, and printing of such digitally stored documents in a timely fashion when copies are requested. A copy of such digitally stored document retrieved by the clerk shall be admissible in all courts in the same manner as the original document. If a backup copy is created pursuant to the process prescribed by subsections (b)~~,~~ and (c)~~, and (d)~~ of Code Section 15-6-62, the clerk is authorized to destroy the original document. This subsection shall not apply to documents or records which have been ordered sealed by the court nor to documents which are placed in evidence in a proceeding. The costs of creating and storing digital copies of documents and providing the necessary software and equipment to retrieve and reproduce such documents shall be paid from funds available for the operation of the court. The provisions of this subsection shall constitute an additional and alternative method of records management and shall not supersede or repeal Code Section 15-6-62, 15-6-62.1, 15-6-86, or 15-6-87."

SECTION 2-3.

Said title is further amended by revising Code Section 15-6-57, relating to election to break a tie, as follows:

"15-6-57.

Should any two or more candidates at an election to fill a vacancy in the office of superior court clerk, or at a regular election, have the highest and an equal number of votes, the judge of the probate court shall set a date and advertise another election in the manner prescribed in Code Section ~~15-6-56~~ 15-6-53 and shall do so until a choice is made."

SECTION 2-4.

Said title is further amended by revising subsections (b), (c), and (d) of Code Section 15-6-90, relating to longevity increases, as follows:

"(b) The minimum salaries provided for in Code Sections 15-6-88 and 15-6-89, this Code section, and Code ~~Sections~~ Section 15-6-91 ~~and 15-6-92~~ shall be considered as salary only. Expenses for deputy clerks, equipment, supplies, copying equipment, and other necessary and reasonable expenses for the operation of a clerk's office shall come from funds other than the funds specified as salary in such Code sections.

(c) This Code section shall not be construed to affect any local legislation, except where such local legislation provides for a salary lower than the salary provided in Code Sections 15-6-88 and 15-6-89, this Code section, and Code ~~Sections~~ Section 15-6-91 ~~and 15-6-92~~, in which event such Code sections shall prevail.

(d) Code Sections 15-6-88 and 15-6-89, this Code section, and Code ~~Sections~~ Section 15-6-91 ~~and 15-6-92~~ shall not be construed to reduce the salary of any clerk of ~~the~~ superior court presently in office."

SECTION 2-5.

Said title is further amended by revising Code Section 15-6-91, relating to the effect of salary provisions on local legislation, as follows:

"15-6-91.

All local legislation in effect on April 1, 1973, or enacted subsequent to April 1, 1973, and affecting compensation for clerks of ~~the~~ superior courts of the various counties shall be of full force and effect except where such local legislation provides for a salary lower than the salary provided in Code Sections 15-6-88 through 15-6-90~~,~~ and this Code section, ~~and Code Section 15-6-92,~~ in which event such Code sections shall prevail."

SECTION 2-6.

Said title is further amended by revising subsection (b) of Code Section 15-16-8, relating to filling the vacancy in the office of sheriff, as follows:

"(b) If the probate judge fails to appoint a qualified person to discharge the duties of the sheriff until the vacancy is filled ~~In case there is a failure to appoint, as set forth in Code Section 15-6-54~~, the coroner of the county shall act as sheriff. If there is no

coroner, the sheriff of any adjoining county is authorized to act as sheriff until the probate judge ~~of the probate court~~ makes the appointment or an election is held."

SECTION 2-7.

Said title is further amended by revising subsection (b) of Code Section 15-16-10, relating to duties of the sheriff and electronic storage, as follows:

"(b) If any sheriff or deputy fails to comply with any provision of subsection (a) of this Code section, he or she shall be fined for a contempt as the clerk of ~~the~~ superior court is fined in similar cases. Code Section ~~15-6-82, as to removal,~~ 15-16-26 shall also apply to sheriffs."

SECTION 2-8.

Said title is further amended by revising subsection (c) of Code Section 15-16-26, relating to investigation of charges against the sheriff, as follows:

"(c) If the committee recommends the suspension of the sheriff, the Governor shall be authorized to suspend the sheriff for a period of up to 60 days. In any case where a sheriff has been suspended for 60 days, the Governor may extend the period of suspension for an additional 30 days. Upon such recommendation, the Governor shall also be authorized to request the district attorney of the county of the sheriff's residence to bring a removal petition against the sheriff pursuant to subsection (b) of Code Section 15-16-10 and Code Section ~~15-6-82~~ 15-16-26 based upon the evidence reported by the committee. In the event that the Governor determines that further investigation should be made, he or she may then order additional investigation by the committee, by the Georgia Bureau of Investigation, by other law enforcement agencies of this state, or by any special committee appointed by the Governor for such purpose."

SECTION 2-9.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising paragraph (5) of subsection (c) of Code Section 42-1-12, relating to the State Sexual Offender Registry, as follows:

"(5) Keep all records of sexual offenders in a secure facility in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1 until official proof of death of a registered sexual offender; thereafter, the records shall be destroyed ~~in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1~~."

SECTION 2-10.

Said title is further amended by revising subsection (c) of Code Section 42-4-4, relating to duties of sheriff as to inmates and failure to comply, as follows:

"(c) Any sheriff or deputy who fails to comply with this Code section shall be fined for contempt, as is the clerk of the superior court in similar cases. The sheriff or deputy shall also be subject to removal from office as prescribed in Code Section ~~15-6-82~~ 15-16-26."

PART III
SECTION 3-1.

Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is amended by enacting a new Code Section 15-12-40 to read as follows:

"15-12-40.

Any person who has been convicted of a felony in a state or federal court who has not had his or her civil rights restored and any person who has been judicially determined to be mentally incompetent shall not be eligible to serve as a trial juror."

SECTION 3-2.

Said chapter is further amended by revising subsection (e) of Code Section 15-12-40.1, relating to the state-wide master jury list, driver's license information, list of registered voters, and random list of persons to comprise venire, as follows:

"(e) On and after July 1, 2012, in each county, upon court order, the clerk shall choose a random list of persons from the county master jury list to comprise the venire; provided, however, that jurors summoned prior to July 1, 2012, shall remain eligible to comprise the venire."

SECTION 3-3.

Said chapter is further amended by revising Code Section 15-12-60, relating to the qualifications of grand jurors, as follows:

"15-12-60.

(a) ~~Except as provided in subsection (b) of this Code section, all citizens~~ Any citizen of this state 18 years of age or older who ~~are not incompetent because of mental illness or mental retardation and who have~~ has resided in the county for at least six months preceding the time of service shall be ~~qualified~~ eligible and liable to serve as a grand ~~jurors unless otherwise exempted by law~~ juror.

(b) ~~The following persons shall not be eligible to serve as grand jurors:~~

~~(1)~~ Any person who holds any elective office in state or local government or who has held any such office within a period of two years preceding the time of service as a grand juror~~; and~~

~~(2) Any person who has been convicted of a felony and who has not been pardoned or had his or her civil rights restored~~ shall not be eligible to serve as a grand juror.

(c) Any person who has been convicted of a felony in a state or federal court who has not had his or her civil rights restored and any person who has been judicially determined to be mentally incompetent shall not be eligible to serve as a grand juror."

PART IV
SECTION 4-1.

All laws and parts of laws in conflict with this Act are repealed.

Representative Maddox of the 127th moved that the House agree to the Senate substitute to HB 665.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	N Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	N Houston	N Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
N Braddock	N Epps, C	E James	O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	N Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 157, nays 8.

The motion prevailed.

Representative Meadows of the 5th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the House amendment to the Senate substitute to the following resolution of the House:

HR 1150. By Representatives Coleman of the 97th, England of the 108th, Dickson of the 6th, Kaiser of the 59th, Abrams of the 84th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Representative Willard of the 49th moved that the House insist to its position in disagreeing to the Senate amendment to the House substitute to SB 234 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Willard of the 49th, Channell of the 116th and Knight of the 126th.

HB 1067. By Representatives Rogers of the 26th, Smith of the 131st and Lindsey of the 54th:

A BILL to be entitled an Act to amend Code Section 33-23-12 of the Official Code of Georgia Annotated, relating to the limited licenses for insurance agents, agencies, subagents, counselors, and adjustors, so as to provide for the comprehensive revision of provisions regarding the issuance and regulation of limited licenses to sell portable electronics insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the comprehensive revision of provisions regarding the issuance and regulation of limited licenses to sell portable electronics insurance; to provide for changes to license requirements for certain resident independent adjusters; to add certain nonresident independent adjuster license requirements; to correct certain language relating to exhaustion of rights by claimants against insolvent insurers to provide for internal consistency; to provide for requirements of retail installment sellers to be exempted from reinsurance requirements relating to vehicle service agreements or extended warranty agreements; to provide for an exception to retail installment seller's requirement to insure its guaranteed asset protection waiver obligations under a contractual liability policy or other such policy; to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions of insurance, so as to provide that in the event of a dispute or complaint arising involving material not in English, the English version of the material shall control the resolution of the dispute or complaint; to amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing through competitive bidding, so as to provide for certain state contracting and bidding requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising subsection (a) of Code Section 33-23-12, relating to limited licenses for insurance agents, agencies, subagents, counselors, and adjustors, as follows:

"(a) Except as provided in subsection (b) of this Code section for credit insurance licenses, subsection (c) of this Code section for rental companies, and subsection (d) of this Code section for ~~communications equipment~~ portable electronics, the

Commissioner may provide by rule or regulation for licenses which are limited in scope to specific lines or sublines of insurance."

SECTION 2.

Said title is further amended by revising subsection (d) of said Code Section 33-23-12, relating to limited licenses for insurance agents, agencies, subagents, counselors, and adjuster, as follows:

"(d)(1) As used in this subsection, the term:

(A) 'Customer' means a person who purchases portable electronics or services.

(B) 'Enrolled customer' means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.

(C) 'Location' means any physical location in the State of Georgia or any website, call center site, or similar location directed to residents of the State of Georgia.

(D) 'Portable electronics' ~~'communications equipment'~~ means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, cellular telephones, batteries, and other similar devices ~~or~~ and their accessories ~~used to originate or receive communications signals or service for individual customer use only~~ and includes services related to the use of such devices, including, but not limited to, individual customer access to a wireless network.

(E) 'Portable electronics insurance' means insurance providing coverage for the repair or replacement of portable electronics which may provide coverage for portable electronics against any one or more of the following causes of loss: loss, theft, inoperability due to mechanical failure, malfunction, damage, or other similar causes of loss. Such term shall not include a service contract or extended warranty providing coverage limited to the repair, replacement, or maintenance of property in cases of operational or structural failure due to a defect in materials, workmanship, accidental damage from handling power surges, or normal wear and tear.

(F) 'Portable electronics transaction' means the sale or lease of portable electronics by a vendor to a customer or the sale of a service related to the use of portable electronics by a vendor to a customer.

(G) 'Supervising entity' means a business entity that is a licensed insurer, or insurance producer that is authorized by licensed insurer, to supervise the administration of a portable electronics insurance program.

(H) 'Vendor' means a person in the business of engaging in portable electronics transactions directly or indirectly.

(2) The ~~Commissioner~~ commissioner may issue to a retail vendor of ~~communications equipment~~ portable electronics that has complied with the requirements of this subsection a limited license authorizing the limited licensee to offer or sell ~~insurance policies covering only the loss, theft, mechanical failure, or malfunction of or damage to communications equipment~~ portable electronics insurance policies.

(3) A limited license issued under this subsection shall authorize any employee or authorized representative of the vendor to sell or offer coverage under a policy of

portable electronics insurance to customers at each location where the vendor engages in portable electronics transactions.

(4) The supervising entity shall maintain a registry of vendor locations that are authorized to sell or solicit portable electronics insurance coverage in this state. Upon request by the commissioner and with ten days notice to the supervising entity, the registry shall be open to inspection and examination by the commissioner during regular business hours of the supervising entity.

~~(3)~~(5) The sale of such insurance policies shall be limited to sales in connection with the sale of or provision of service for ~~communications equipment~~ portable electronics by the retail vendor.

(6) At every location where portable electronics insurance is offered to customers, brochures or other written materials shall be made available to a prospective customer which:

(A) State that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services;

(B) Summarize the material terms of the insurance coverage, including:

(i) The identity of the insurer;

(ii) The identity of the supervising entity;

(iii) The amount of any applicable deductible and how it is to be paid;

(iv) Benefits of the coverage; and

(v) Key terms and conditions of coverage such as whether portable electronics may be repaired or replaced with a similar make and model or with reconditioned or nonoriginal manufacturer parts or equipment;

(C) Summarize the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements; and

(D) State that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person paying the premium shall receive a refund of any applicable unearned premium.

(7) Portable electronics insurance may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a vendor of portable electronics for its enrolled customers. Coverage under portable electronics insurance shall be primary to any other insurance.

(8) Eligibility and underwriting standards for customers electing to enroll in coverage shall be established for each portable electronics insurance program.

(9) Notwithstanding any other provision of law, employees or authorized representatives of a vendor of portable electronics shall not be compensated based primarily on the number of customers enrolled for portable electronics insurance coverage but may receive compensation for activities under the limited license which are incidental to their overall compensation.

(10) The charges for portable electronics insurance coverage may be billed and collected by the vendor of portable electronics. Any charge to the enrolled customer

for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services, shall be separately itemized on the enrolled customer's bill. If the portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor shall clearly and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the portable electronics or related services. Vendors billing and collecting such charges shall not be required to maintain such funds in a segregated account, provided that the vendor is authorized by the insurer to hold such funds in an alternative manner and remits such amounts to the supervising entity within 60 days of receipt. All funds received by a vendor from an enrolled customer for the sale of portable electronics insurance shall be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. Vendors may receive compensation for billing and collection services.

~~(4)~~(11) As a prerequisite for issuance of a limited license under this subsection, there shall be filed with the Commissioner an application for such limited license or licenses in a form and manner prescribed by the Commissioner. The application shall provide:

(A) The name, residence address, and other information required by the Commissioner of an employee or officer of the vendor that is designated by the applicant as the person responsible for the vendor's compliance with the requirements of this subsection;

(B) If the vendor derives more than 50 percent of its revenue from the sale of portable electronics insurance, the information required by subparagraph (A) of this paragraph for all officers, directors, and shareholders of record having beneficial ownership of 10 percent or more of any class of securities registered under the federal securities law; and

(C) The location of the applicant's home office.

(12) The employees and authorized representatives of vendors may sell or offer portable electronics insurance to customers and shall not be subject to licensure as an insurance producer under this Code section, provided that the supervising entity supervises the administration of ~~(5) Each retail vendor licensed pursuant to this subsection shall provide~~ a training program in which employees and authorized representatives of ~~such retail~~ a vendor shall be trained ~~by a licensed instructor~~ and receive basic insurance instruction about the kind of coverage authorized in this subsection and offered for purchase by prospective purchasers~~ of communications equipment or service~~. The training required by this subsection may be provided in electronic form. However, if provided in electronic form, the supervising entity shall implement a supplemental education program regarding the portable electronics insurance that is conducted and overseen by a licensed instructor.

~~(6)~~(13) No prelicensing examination shall be required for issuance of such license.

(14) If a vendor or its employee or authorized representative violates any provision of this subsection, the commissioner may impose any of the following penalties:

(A) After notice and hearing, fines not to exceed $500.00 per violation or $5,000.00 in the aggregate for such conduct;

(B) After notice and hearing, other penalties that the commissioner deems necessary and reasonable to carry out the purpose of this article, including:

(i) Suspending the privilege of transacting portable electronics insurance pursuant to this subsection at specific business locations where violations have occurred; and

(ii) Suspending or revoking the ability of individual employees or authorized representatives to act under the license;

(15) Notwithstanding any other provision of law:

(A) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least 60 days notice;

(B) If the insurer changes the terms and conditions, then the insurer shall provide the vendor with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes;

(C) Notwithstanding paragraph (15) of subsection (a) of this Code section, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon 15 days notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim;

(D) Notwithstanding paragraph (15) of subsection (a) of this Code section, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(i) For nonpayment of premium;

(ii) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(iii) If the enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within 30 calendar days after exhaustion of the limit. However, if notice is not timely sent, enrollment shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer; and

(E) Where a portable electronics insurance policy is terminated by a policyholder, the vendor shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the enrolled customer at least 30 days prior to the termination.

(16) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this subsection or is otherwise required by law, it shall be in writing and sent within the notice period, if any, specified within the statute or regulation requiring the notice or correspondence. Notwithstanding any

other provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this subparagraph. If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics at the vendor's mailing address specified for such purpose and to its affected enrolled customers' last known mailing addresses on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics at the vendor's electronic mail address specified for such purpose and to its affected enrolled customers' last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics, as the case may be. For purposes of this paragraph, an enrolled customer's provision of an electronic mail address to the insurer or vendor of portable electronics, as the case may be, shall be deemed as consent to receive notices and correspondence by electronic means. The insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice or correspondence was sent.

(17) Notice or correspondence required by this subsection or otherwise required by law may be sent on behalf of an insurer or vendor, as the case may be, by the supervising entity appointed by the insurer."

SECTION 3.

Said title is further amended by adding a new paragraph to subsection (a) of Code Section 33-23-1, relating to definitions, as follows:

"(3.1) 'Automated claims adjudication system' means a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of property insurance claims used only for portable electronics as defined in paragraph (1) of subsection (d) of Code Section 33-23-12 which:

(A) May only be utilized by a licensed independent adjuster, licensed agent, or supervised individuals operating pursuant to this paragraph;

(B) Shall comply with all claims payment requirements of the Georgia Insurance Code; and

(C) Shall be certified as compliant with this Code section by a licensed independent adjuster that is an officer of a business entity licensed under this chapter."

SECTION 4.

Said title is further amended by revising paragraph (7) of subsection (a) of Code Section 33-23-1, relating to definitions, as follows:

"(7) 'Home state' means Canada, the District of Columbia, and any state or territory of the United States in which an insurance producer or adjuster maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer or adjuster."

SECTION 5.

Said title is further amended by deleting "or" at the end of paragraph (6) of subsection (b) of Code Section 33-23-1, relating to definitions; by deleting the period at the end of paragraph (7) of such subsection and inserting "; or"; and by adding a new paragraph at the end of such subsection to read as follows:

"(8) An individual who collects claim information from, or furnishes claim information to, insureds or claimants, who conducts data entry, and who enters data into an automated claims adjudication system, provided that the individual is an employee of a licensed independent adjuster or its affiliate where no more than 25 such persons are under the supervision of one licensed independent adjustor or licensed agent."

SECTION 6.

Said title is further amended by adding a new subsection to Code Section 33-23-5, relating to the qualifications and requirements for a license, to read as follows:

"(d) Notwithstanding paragraph (1) of subsection (a) of this Code section, no resident of Canada may be licensed as an independent adjuster pursuant to this Code section or designate Georgia as his or her home state unless such person has successfully passed the adjuster examination and has complied with other applicable portions of this Code section."

SECTION 7.

Said title is further amended by revising subsection (h) of Code Section 33-23-16, relating to licensing of nonresidents, as follows:

"(h) Applicants whose home state does not require a license to transact business may be licensed in this state, provided that the applicant takes the examination issued by the Commissioner where required pursuant to this chapter and the applicant submits written documentation from his or her resident state demonstrating the lack of licensing requirement and the state's reciprocity with residents from this state. If the resident state does not license independent adjusters, the independent adjuster shall designate as his or her home state any state in which the independent adjuster is licensed and in good standing."

SECTION 8.

Said title is further amended by adding a new subsection to Code Section 33-23-29, relating to nonresident adjusters, to read as follows:

"(f) No resident of Canada may be licensed as a nonresident independent adjuster unless such person has obtained a resident or home state independent adjuster license."

SECTION 8A.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions of insurance, is amended by adding a new Code section to read as follows:

"33-1-22.

In the event of a dispute or complaint wherein an insurer provided any material in a language other than English, the English language version of the policy, as that term is defined in Code Section 33-24-1, shall control the resolution of such dispute or complaint; provided, however, that nothing contained in this Code section shall abrogate or supersede the provisions set forth in Chapter 6 of this title, relating to unfair trade practices."

SECTION 8B.

Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing through competitive bidding, is amended by revising subsection (b) as follows:

"(b)(1) Except as otherwise provided for in this part, all contracts for the purchases of supplies, materials, equipment, or services other than professional and personal employment services made under this part shall, wherever possible, be based upon competitive bids and shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles to be supplied and conformity with the specifications which have been established and prescribed, the purposes for which the articles are required, the discount allowed for prompt payment, the transportation charges, and the date or dates of delivery specified in the bid and any other cost affecting the total cost of ownership during the life cycle of the supplies, materials, equipment, or services as specified in the solicitation document. Competitive bids on such contracts shall be received in accordance with rules and regulations to be adopted by the commissioner of administrative services~~,~~ which ~~rules and regulations~~ shall prescribe, among other things, the manner, time, and places for proper advertisement for the bids, indicating the time and place when the bids will be received; the article for which the bid shall be submitted and the specification prescribed for the article; the amount or number of the articles desired and for which the bids are to be made; and the amount, if any, of bonds or certified checks to accompany the bids. Any and all bids so received may be rejected.

(2)(A) As used in this paragraph, the term:

(i) 'Commercial use applications' means self-propelled, self-powered, or pull-type equipment and machinery, including diesel engines. The term shall not include motor vehicles requiring registration and certificate of title or equipment that is considered consumer goods, as that term is defined in Code Section 11-9-102.

(ii) 'Multiple award schedule contract' means a contract that allows multiple vendors to be awarded a state contract for goods or services by providing catalogues of equipment and attachments to eligible purchasers including state agencies, departments, institutions, public school districts, and political subdivisions. Multiple award schedule contract bids shall be evaluated based upon a variety of factors, including but not limited to discounts, total life costs, service, warranty, machine performance and durability, resale value, product support, and past vendor performance. Multiple award schedule contracts shall allow multiple

vendors to bid and be awarded a contract based upon the value of their products and demonstrated results in competitive pricing, product updates, transparency, administrative savings, expedited procurement, and flexibility for state purchasers.

(B) When the commissioner of administrative services determines it to be in the best interest of the state, a multiple award schedule contract may be let for the purchase of equipment used for commercial use applications. All bidders for contracts for the purchase of equipment for commercial use applications shall be required to submit a complete bid package and be the authorized dealer or vendor for a leading manufacturer of equipment used for commercial use applications. Bidders may add additional equipment with a guaranteed minimum discount off the manufacturer's suggested consumer list price in the bid in order to increase the options available to the state.

(C) Nothing in this paragraph shall limit multiple award schedule contracts to commercial use applications."

SECTION 9.

Said title is further amended by revising subsection (d) of Code Section 33-36-14, relating to exhaustion of rights by claimants against insolvent insurers, as follows:

"(d) Except as provided for in Code Section 33-36-20, the pool shall have the right to recover from ~~any person who is an affiliate of the insolvent insurer~~ the following persons all amounts paid by the pool on behalf of such person, whether for indemnity or defense or otherwise:

(1) Any insured whose net worth on December 31 of the year immediately preceding the date the insurer becomes an insolvent insurer exceeds $25 million~~;~~, provided that an insured's net worth on such date shall be deemed to include the aggregate net worth of the insured and all of its subsidiaries and affiliates as calculated on a consolidated basis; and

(2) Any person who is an affiliate of the insolvent insurer."

SECTION 10.

Said title is further amended by adding a new subsection to Code Section 33-7-6 of the Official Code of Georgia Annotated, relating to property insurance, contact requirements, rules and regulations, and exemptions, to read as follows:

"(f) Property insurance does not include those agreements commonly known as vehicle service agreements or extended warranty agreements which are issued, sold, or offered for sale by a retail installment seller, as defined in Code Section 10-1-31 in connection with the sale of a motor vehicle by such retail installment seller, provided that such retail installment seller:

(1) Maintains, or has a parent company maintain, a net worth or stockholders' equity of at least $50 million, provided the parent company guarantees the obligations of the retail installment seller arising from vehicle service agreements or extended warranty agreements underwritten pursuant to this subparagraph;

(2) Complies with the registration requirement prescribed by the Commissioner through regulation;

(3) Files with the Commissioner a true and correct copy of the vehicle service agreement or extended warranty agreement that has a term of and is no longer than nine months in a form that is consistent with the terms prescribed by the Commissioner through regulation;

(4) Files a copy of its Form 10-K or Form 20-F disclosure statements, or if it does not file such statements with the United States Securities and Exchange Commission, a copy of its audited financial statements reported on a GAAP basis. If the retail installment seller's financial statements are consolidated with those of its parent company, then the retail installment seller may comply with this provision by filing the statements of its parent company. The statement shall be filed with the Commissioner 30 days prior to the retail installment seller's initial offering or delivering of a service agreement or extended warranty agreement, and thereafter, the statement shall be filed with the Commissioner annually; and

(5) Upon the request of the Commissioner, posts a security deposit or surety bond in an amount not to exceed $250,000.00 and in the manner prescribed by the Commissioner through regulation."

SECTION 11.

Said title is further amended by revising Code Section 33-63-4, relating to offering, selling, or providing to borrowers guaranteed asset protection waivers, by adding a new subsection to read as follows:

"(i) A retail installment seller that offers, provides, or sells a guaranteed asset protection waiver in connection with the sale of a motor vehicle shall not be required to insure its guaranteed asset protection waiver if the retail installment seller does both of the following:

(1) Maintains, or has a parent company that maintains, a net worth or stockholders' equity of at least $50 million, provided the parent company guarantees the obligations of the retail installment seller arising from guaranteed asset protection waivers underwritten pursuant to this subsection; and

(2) Files a copy of its Form 10-K or Form 20-F disclosure statements, or, if it does not file with the United States Securities and Exchange Commission, a copy of its audited financial statements reported on generally accepted accounting principles. If the retail installment seller's financial statements are consolidated with those of its parent company, then the retail installment seller may comply with the provisions of this paragraph by filing the statements of its parent company. The statement shall be filed with the Commissioner at least 30 days prior to the retail installment seller's initial offering or delivering a guaranteed asset protection waiver, and thereafter the statement shall be filed with the Commissioner annually."

SECTION 12.

All laws and parts of laws in conflict with this Act are repealed.

Representative Rogers of the 26th moved that the House agree to the Senate substitute to HB 1067.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
N Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	N Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	N Dollar	N Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	N Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	N Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
N Brockway	Y Epps, J	Y Jasperse	N Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	N Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Channell	Y Greene	Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	N Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
N Cooke	Y Harrell	Y Manning	N Rogers, T	E Williams, R
Coomer	Y Hatchett	Y Marin	Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 149, nays 13.

The motion prevailed.

Representative Clark of the 98th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 685. By Representatives Maddox of the 172nd, Black of the 174th, Atwood of the 179th, Shaw of the 176th, Taylor of the 173rd and others:

A BILL to be entitled an Act to amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to extensively revise provisions relating to dogs and especially provisions relating to dangerous and vicious dogs; to define and redefine terms; to provide for liability for injuries and damage caused by dogs; to amend Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating to imputable negligence, so as to provide for a conforming amendment; to state legislative intent; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, so as to revise provisions relating to dogs and provisions relating to dangerous and vicious dogs; to provide for legislative intent; to change provisions of liability for damage caused by dogs; to allow for more stringent local regulation; to revise provisions relating to the lawful killing of dogs; to provide for a short title; to provide public safety and administrative procedures for the identification of dangerous and vicious dogs; to require registration for the possession of certain dogs and to require certain safety and indemnity measures as a condition of owning a dog classified as vicious or dangerous; to provide procedural requirements; to provide for euthanasia of dogs in certain instances; to provide for criminal offenses and punishment; to provide for reclassification of previously classified dogs; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, is amended by redesignating Code Section 4-8-1 as Code Section 4-8-1.1 and by adding a new Code section to read as follows:

"4-8-1.

It is the intention of this chapter to establish as state law minimum standards for the control and regulation of dogs and to establish state crimes for violations of such minimum standards. However, this chapter shall not prohibit local governments from adopting and enforcing ordinances or resolutions which provide for more restrictive control and regulation of dogs than the minimum standards provided for in this chapter."

SECTION 2.

Said chapter is further amended by revising Code Section 4-8-4, relating to liability for damage caused by dogs, as follows:

"4-8-4.

(a) The owner or, if no owner can be found, the custodian exercising care and control over any dog which ~~goes upon the land of another and~~ while off the owner's or custodian's property causes injury, death, or damage directly or indirectly to any livestock, ~~or~~ poultry, or pet animal shall be civilly liable to the owner of the livestock, ~~or~~ poultry, or pet animal for ~~damages, death, or~~ injury, death, or damage caused by the dog. The owner or, if no owner can be found, the custodian exercising care and control over any dog shall be liable for any damage caused by such dog to public or private property. The liability of the owner or custodian of the dog shall include consequential damages.

(b) This Code section is to be considered cumulative of other remedies provided by law. There is no intent to ~~do away with~~ eliminate or limit other causes of action which might inure to the owner of any livestock, ~~or~~ poultry, or pet animal."

SECTION 3.

Said chapter is further amended by revising subsection (a) of Code Section 4-8-5, relating to cruelty to dogs and authorized killing of dogs, as follows:

"(a) No person shall perform a cruel act on any dog; nor shall any person harm, maim, or kill any dog, or attempt to do so, except that a person may:

(1) Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or

(2) Kill any dog causing injury or damage to any livestock, ~~or~~ poultry, or pet animal."

SECTION 4.

Said chapter is further amended by repealing in its entirety Article 2, relating to dangerous dog control, and enacting a new article to read as follows:

"ARTICLE 2

4-8-20.

This article shall be known and may be cited as the 'Responsible Dog Ownership Law.'

4-8-21.

(a) As used in this article, the term:

(1) 'Classified dog' means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article.

(2) 'Dangerous dog' means any dog that:

(A) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;

(B) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or

(C) While off the owner's property, kills a pet animal; provided, however, that this subparagraph shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

(3) 'Local government' means any county or municipality of this state.

(4) 'Owner' means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dog. In the case of a dog owned by a minor, the term 'owner' includes the parents or person in loco parentis with custody of the minor.

(5) 'Serious injury' means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

(6) 'Vicious dog' means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

(b) No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under Chapter 5 of Title 16.

4-8-22.

(a) A county's jurisdiction for the enforcement of this article shall be the unincorporated area of the county and a municipality's jurisdiction for such enforcement shall be the territory within the corporate limits of the municipality.

(b) The governing authority of each local government shall designate an individual as dog control officer to aid in the administration and enforcement of the provisions of this article. A person carrying out the duties of dog control officer shall not be authorized to make arrests unless the person is a law enforcement officer having the powers of arrest.

(c) Any county or municipality or any combination of such local governments may enter into agreements with each other for the consolidation of dog control services under this Code section.

4-8-23.

(a) For purposes of this Code section, the term:

(1) 'Authority' means an animal control board or local board of health, as determined by the governing authority of a local government.

(2) 'Mail' means to send by certified mail or statutory overnight delivery to the recipient's last known address.

(b) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

(c) When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the authority on the dog control officer's determination within 15 days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article.

(d) When a hearing is requested by a dog owner in accordance with subsection (c) of this Code section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the authority for good cause shown. At least ten days prior to the hearing, the authority conducting the hearing shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the authority conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

(e) Within ten days after the hearing, the authority which conducted the hearing shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to Code Section 4-8-26, the notice shall specify the date by which the euthanasia shall occur.

(f) Judicial review of the authority's final decision may be had in accordance with Code Section 50-13-19.

4-8-24.

A law enforcement officer or dog control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

4-8-25.

The judge of any superior court of competent jurisdiction within this state may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided by Code Section 4-8-23, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this article and:

(1) The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog; or
(2) Any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.

4-8-26.
A dog that is found, after notice and opportunity for hearing as provided by Code Section 4-8-23, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012, shall count for purposes of this subsection.

4-8-27.
(a) It shall be unlawful for an owner to have or possess within this state a classified dog without a certificate of registration issued in accordance with the provisions of this Code section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.
(b) Unless otherwise specified by this Code section, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:
(1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
(c) Except as provided in subsections (e) and (f) of this Code section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:
(1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;
(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
(3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
(4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least $50,000.00 issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
(d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
(e) No person shall be the owner of more than one vicious dog.

(f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:

(A) A serious violent felony as defined in Code Section 17-10-6.1;

(B) The felony of dogfighting as provided for in Code Section 16-12-37 or the felony of aggravated cruelty to animals as provided for in Code Section 16-12-4; or

(C) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in Code Sections 16-13-31 and 16-13-31.1

from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person.

(g) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

4-8-28.

(a) The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.

(b) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(c) The owner of a classified dog who moves from one jurisdiction to another within the State of Georgia shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he or she moved. The owner of a similarly classified dog who moves into this state shall register the dog as required in Code Section 4-8-27 within 30 days of becoming a resident.

4-8-29.

(a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

(1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

(2) The dog is contained in a closed and locked cage or crate.

(3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

(b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:

(1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:

(A) The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

(B) The dog is contained in a closed and locked cage or crate; or

(2) Unattended with minors.

(c) A person who violates subsection (b) of this Code section shall be guilty of a misdemeanor of high and aggravated nature.

(d) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than $5,000.00 nor more than $10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.

(e) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

4-8-30.

(a) A dangerous or vicious dog shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.

(b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provisions of this article. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(c) In the event the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.

4-8-31.

Under no circumstances shall a local government or any employee or official of a local government be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

4-8-32.

Except as otherwise specified in this article, any person who violates any provision of this article shall be guilty of a misdemeanor.

4-8-33.

(a)(1) Any dog classified prior to July 1, 2012, as a potentially dangerous dog in this state shall on and after that date be classified as a dangerous dog under this article.

(2) Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog in this state shall on and after that date be classified as a vicious dog under this article.

(b) The owner of any dog referred to in subsection (a) of this Code section shall come into compliance with all current provisions of this article by January 1, 2013."

SECTION 5.

Said chapter is further amended by repealing in its entirety Article 3, relating to vicious dogs.

SECTION 6.

This Act shall become effective on July 1, 2012, and shall apply to proceedings for the classification and registration of dogs which are pending on that date as well as to such proceedings which arise on or after that date.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

Representative Maddox of the 172nd moved that the House agree to the Senate substitute to HB 685.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Horne	Y Mosby	Y Smith, R
Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Taylor, R
Y Bryant	Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites

Y Carson	Y Geisinger	Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Kirby	Y Ramsey	Y Weldon
Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 157, nays 0.

The motion prevailed.

Representative Beasley-Teague of the 65th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 1114. By Representatives Setzler of the 35th, Golick of the 34th, Ramsey of the 72nd, Pak of the 102nd, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 16 of the O.C.G.A., relating to homicide, so as to repeal certain provisions regarding offering to assist in the commission of a suicide; to prohibit assisted suicide; to provide for definitions; to provide for criminal penalties; to provide for certain exceptions; to provide for certain reporting requirements with respect to being convicted of assisting in a suicide; to amend Title 51 of the O.C.G.A., relating to torts, so as to provide for civil liability for wrongful death caused by assisted suicide; to provide for definitions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to homicide, so as to repeal certain provisions regarding offering to assist in the commission of a suicide; to prohibit assisted suicide; to provide for definitions; to

provide for criminal penalties; to provide for certain exceptions; to provide for certain reporting requirements with respect to being convicted of assisting in a suicide; to amend Code Section 16-14-3 of the Official Code of Georgia Annotated, relating to definitions for the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," so as to provide for assisted suicide as racketeering activity; to amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to provide for an award of attorney's fees and expenses of litigation in wrongful death actions under certain circumstances; to provide for reporting requirements with respect to a civil judgment against a health care provider; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to homicide, is amended by repealing Code Section 16-5-5, relating to offering to assist in the commission of a suicide, and enacting a new Code Section 16-5-5 to read as follows:

"16-5-5.

(a) As used in this Code section, the term:

(1) 'Assists' means the act of physically helping or physically providing the means.

(2) 'Health care provider' means any person licensed, certified, or registered under Chapter 9, 10A, 11, 11A, 26, 28, 30, 33, 34, 35, 39, or 44 of Title 43.

(3) 'Suicide' means the intentional and willful termination of one's own life.

(b) Any person with actual knowledge that a person intends to commit suicide who knowingly and willfully assists such person in the commission of such person's suicide shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years.

(c) The provisions of this Code section shall not apply to:

(1) Pursuant to a patient's consent or a consent pursuant to Code Section 29-4-18 or 31-9-2, any person prescribing, dispensing, or administering medications or medical procedures when such actions are calculated or intended to relieve or prevent such patient's pain or discomfort but are not calculated or intended to cause such patient's death, even if the medication or medical procedure may have the effect of hastening or increasing the risk of death;

(2) Pursuant to a patient's consent or a consent pursuant to Code Section 29-4-18 or 31-9-2, any person discontinuing, withholding, or withdrawing medications, medical procedures, nourishment, or hydration;

(3) Any person prescribing, dispensing, or administering medications or medical procedures pursuant to, without limitation, a living will, a durable power of attorney for health care, or an advance directive for health care; provided, however, that nothing in this paragraph shall be construed to condone, authorize, or approve mercy killing or to permit any affirmative or deliberate act or omission to end life other than to permit the process of dying as provided in Chapter 32 of Title 31;

(4) Any person discontinuing, withholding, or withdrawing medications, medical procedures, nourishment, or hydration pursuant to, without limitation, a living will, a durable power of attorney for health care, an advance directive for health care, or a written order not to resuscitate; or

(5) Any person advocating on behalf of a patient in accordance with this subsection.

(d) Within ten days of a conviction, a health care provider who is convicted of violating this Code section shall notify in writing the applicable licensing board for his or her licensure, certification, registration, or other authorization to conduct such health care provider's occupation. Upon being notified and notwithstanding any law, rule, or regulation to the contrary, the appropriate licensing board shall revoke the license, certification, registration, or other authorization to conduct such health care provider's occupation."

SECTION 2.

Code Section 16-14-3 of the Official Code of Georgia Annotated, relating to definitions for the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," is amended by striking "or" at the end of division (9)(A)(xxxix), by striking the period and inserting in its place "; or" at the end of division (9)(A)(xl), and by adding a new division to read as follows:

"(xli) Code Section 16-5-5, relating to assisted suicide."

SECTION 3.

Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended in Chapter 4, relating to wrongful death, by adding two new Code sections to read as follows:

"51-4-6.

The court may award reasonable attorney's fees and expenses of litigation to a plaintiff who prevails in a civil action for a homicide in which the death results from a violation of Code Section 16-5-5.

51-4-7.

(a) As used in this Code section, the term 'health care provider' shall have the same meaning as set forth in Code Section 16-5-5.

(b) Within ten days of a judgment, a health care provider against whom a judgment has been obtained under the provisions of this chapter shall notify in writing the applicable licensing board for his or her licensure, certification, registration, or other authorization to conduct such health care provider's occupation so that disciplinary action may be taken as determined necessary by the applicable board."

SECTION 4.

This Act shall not apply to any offense committed before the effective date of this Act.

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Setzler of the 35th and Golick of the 34th offer the following amendment:

Amend the Senate Judiciary Committee substitute to HB 1114 (LC 29 5288S) by replacing lines 9 and 10 with the following:

relating to torts, so as to provide for reporting requirements

By replacing lines 29 through 47 with the following:

(1) Pursuant to a patient's consent, any person prescribing, dispensing, or administering medications or medical procedures when such actions are calculated or intended to relieve or prevent such patient's pain or discomfort but are not calculated or intended to cause such patient's death, even if the medication or medical procedure may have the effect of hastening or increasing the risk of death;

(2) Pursuant to a patient's consent, any person discontinuing, withholding, or withdrawing medications, medical procedures, nourishment, or hydration;

(3) Any person prescribing, dispensing, or administering medications or medical procedures pursuant to, without limitation, a living will, a durable power of attorney for health care, an advance directive for health care, or a consent pursuant to Code Section 29-4-18 or 31-9-2 when such actions are calculated or intended to relieve or prevent a patient's pain or discomfort but are not calculated or intended to cause such patient's death, even if the medication or medical procedure may have the effect of hastening or increasing the risk of death;

(4) Any person discontinuing, withholding, or withdrawing medications, medical procedures, nourishment, or hydration pursuant to, without limitation, a living will, a durable power of attorney for health care, an advance directive for health care, a consent pursuant to Code Section 29-4-18 or 31-9-2, or a written order not to resuscitate; or

By replacing "two new Code sections" *with* "a new Code section" *on line 64.*

By deleting lines 66 through 69.

Representative Setzler of the 35th moved that the House agree to the Senate substitute, as amended by the House, to HB 1114.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	Morgan	Y Smith, K
N Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	Y Smyre
N Benfield	Y Dunahoo	Y Hudson	N Neal, Y	Y Spencer
Y Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Y Ehrhart	N Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	Y Johnson	Y Parrish	N Taylor, R
N Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	N Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	N Gordon	Y Kirby	Y Ramsey	Y Weldon
Channell	Y Greene	Y Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	N Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Y Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 115, nays 53.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 318. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Goggans of the 7th, Golden of the 8th, and Bulloch of the 11th.

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

SB 368. By Senators Carter of the 1st, Ligon, Jr. of the 3rd, Millar of the 40th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for continuing competency requirements as the board of nursing may require by rules or regulations as a requirement of renewal of licenses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Carter of the 1st, Goggans of the 7th, and Unterman of the 45th.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 824. By Representatives Dudgeon of the 24th, England of the 108th, Coleman of the 97th, Dickson of the 6th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing under the "Quality Basic Education Act," so as to revise the method of calculating equalization grants; to add an eligibility requirement; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing under the "Quality Basic Education Act," so as to revise the method of calculating equalization grants; to add an eligibility requirement; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing under the "Quality Basic Education Act," is amended as follows:

"20-2-165.

(a) As used in this Code section, the term:

(1) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.

(2) 'Assessed valuation per weighted full-time equivalent count' is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest.

(3) 'Effective millage rate' is defined as local tax revenues divided by the assessed valuation and multiplied by 1,000; provided, however, that if the amount of local tax revenues is subsequently adjusted as a result of an audit of a local school system's annual financial report, the increase or decrease in local tax revenues resulting from the audit shall cause an adjustment to be made in the effective millage rate that was calculated initially. Any net change in the amount of equalization dollars earned as a result of such adjustment shall be applied to the amount of the local school system's equalization grant in a subsequent fiscal year.

(4) 'Eligible full-time equivalent program count' is defined as the sum of the full-time equivalent resident student count and full-time equivalent nonresident student count pursuant to subsection (d) of Code Section 20-2-160 for each program specified pursuant to subsection (b) of Code Section 20-2-161; provided, however, that each local school system's total full-time equivalent nonresident student count for all programs except programs for persons with disabilities shall not exceed the lesser of the count for fiscal year 2000 or the count for any ensuing fiscal year, unless the local school system serves under contract all of the students in one or more grade levels from an adjoining system or unless the system serves students from an adjoining system under court order.

(5) 'Equalized adjusted property tax digest' is defined as the most recent equalized adjusted property tax digest furnished to the State Board of Education pursuant to paragraph (1) of subsection (c) of Code Section 20-2-164.

(5.1) 'Equivalent millage' means for a local school system that is eligible to receive local option sales tax proceeds for maintenance and operation purposes, the combination of property tax revenue and sales tax revenue representing the amount that would be generated by a designated rate of mills.

(6) 'Guaranteed valuation ~~school system~~' is defined as the ~~local school system ranking at the seventy-fifth percentile~~ state-wide average in dollars of assessed valuation per weighted full-time equivalent count. Such state-wide average shall not include the local school systems ranked in the highest 5 percent or the lowest 5 percent, where the ranking of school systems is such that the one-hundredth percentile school system is that with the highest amount in dollars of assessed valuation per weighted full-time equivalent count. ~~For the purpose of determining the assessed valuation per weighted full-time equivalent count of the guaranteed valuation school system only, a reduction of the assessed valuation for exemptions authorized by Code Sections 48-5-44 and 48-5-48 shall be calculated whether such exemptions are granted or not granted by the guaranteed valuation school system.~~

(7) 'Local tax revenues' is defined as the sum of tax revenues for a local school system as furnished to the Department of Education by the school system in its annual financial report, reduced by the total amount of general funds expended for capital outlay or transferred into an escrow account for capital outlay purposes for the most recent fiscal year such data are available and increased by any federal funds designed to replace local tax revenues provided to the said system; provided, however, that the local school system has furnished the state board with acceptable documentation which clearly identifies the source or sources of such federal funds.

(8) 'Most recent weighted full-time equivalent count' is defined as the weighted full-time equivalent count derived from full-time equivalent program count data obtained for the purpose of determining the funds initially needed to finance the Quality Basic Education Formula pursuant to subsection (d) of Code Section 20-2-160 for the next ensuing fiscal year.

(9) 'Qualified local school system' is defined as any local school system: ~~having~~

(A) Having an assessed valuation per weighted full-time equivalent count for the year of the digest ~~ranking~~ which is below the guaranteed valuation; ~~school system and having~~

(B) Having an effective millage rate greater than the millage rate applied to calculate the local five mill share pursuant to subsection (a) of Code Section 20-2-164~~.~~; and

(C) Beginning July 1, 2015, having a millage rate or an equivalent millage of at least 12 mills; beginning July 1, 2016, having a millage rate or an equivalent millage of at least 12 ½ mills; beginning July 1, 2017, having a millage rate or an equivalent millage of at least 13 mills; beginning July 1, 2018, having a millage rate or an equivalent millage of at least 13 ½ mills; beginning July 1, 2019, and thereafter, having a millage rate or an equivalent millage of at least 14 mills.

(10) 'Weighted full-time equivalent count' is defined as the sum of all eligible full-time equivalent program counts multiplied by their respective program weights in

effect during the fiscal year that the full-time equivalent program counts were obtained pursuant to Code Section 20-2-161.

(11) 'Weighted full-time equivalent count for the year of the digest' is defined as the weighted full-time equivalent count derived from full-time equivalent program count data obtained for the purpose of determining the funds initially needed to finance the Quality Basic Education Formula pursuant to subsection (d) of Code Section 20-2-160 for the current fiscal year.

(b) The State Board of Education shall annually calculate the equalization grant for each qualified local school system in the following manner:

(1) Subtract the assessed valuation per weighted full-time equivalent count for the local school system from the ~~assessed valuation per weighted full-time equivalent count for the~~ guaranteed valuation ~~school system~~;

(2) Divide the difference resulting from paragraph (1) of this subsection by 1,000;

(3) Subtract five from the effective millage rate for the local school system and use the resulting number of effective mills or 15 effective mills, whichever is less, as the number of effective mills to be equalized;

(4) Multiply the quotient resulting from paragraph (2) of this subsection by the number of effective mills to be equalized pursuant to paragraph (3) of this subsection; and

(5) Multiply the product resulting from paragraph (4) of this subsection by the most recent weighted full-time equivalent count for the local school system.

The resulting amount shall be the equalization grant for the ensuing fiscal year; provided, however, that for each local school system which serves under contract all of the students in one or more grade levels from an adjoining system and for each local school system which sends under contract all of the students in one or more grade levels to an adjoining system, the equalization grant shall be calculated to represent the amount that would be earned if the students transferred under said contract were included in the full-time equivalent counts of the local school system in which they reside; provided, further, that any equalization grant to be earned by a local school system sending students to another system under the provisions of such a contract shall be reduced by an amount which represents the equalization funds earned per weighted full-time equivalent student multiplied by the total weighted full-time equivalent count for students transferred, and any equalization grant to be earned by the local school system receiving students under said contract shall be increased by the same amount.

(c) The State Board of Education shall allocate respectively the amount calculated under subsection (b) of this Code section to each qualified local school system. For the first effective year of the merger of any two or more local school systems, the equalization grant shall be the addition of amounts which would have been separately earned by the systems participating in the merger or the amount which would have been earned if the systems had already been merged during the year of the applicable digest, whichever is greater. No portion of local five mill share shall be applied to such equalization grants. In the event sufficient funds are not appropriated in a fiscal year to the state board to allot the full amount of equalization grants calculated to be payable to

qualified local school systems as provided in this Code section, the state board shall proportionately reduce the amount of funds to be allocated to qualified local school systems.

(d)(1) A midterm adjustment in a local school system's equalization grant shall be made if:

(A) The school ~~system ranks~~ system's assessed valuation per weighted full-time equivalent count is at or below the ~~seventy-fifth percentile in dollars of assessed valuation per weighted full-time equivalent count, where the ranking of school systems is such that the one-hundredth percentile school system is that with the highest amount in dollars of assessed valuation per weighted full-time equivalent count~~ guaranteed valuation; and

(B) The school system increases the actual millage levied against its digest for maintenance and operation.

(2) If made, the midterm adjustment to the equalization grant shall be calculated as follows:

(A) Calculate the percentage change in the actual millage rate for a school system by subtracting the actual millage rate for the prior year from the actual millage rate for the current year and dividing by the actual millage rate for the prior year; provided, however, that for local school systems that impose local option sales taxes for school maintenance and operation, as authorized by law, the Department of Education shall be authorized to adjust this calculation by adding the equivalent property tax millage that would be needed to produce the revenue raised by the local option sales tax to the actual millage rate and calculating a revised percentage change;

(B) If the result from subparagraph (A) of this paragraph is a positive number, multiply the number of effective mills calculated as part of the original equalization grant calculation for a given year by the percentage increase calculated in subparagraph (A) of this paragraph. Add the product of this calculation to the effective number of mills from the original equalization grant calculation as described in subsections (a) through (c) of this Code section;

(C) Recalculate the equalization grant substituting the revised number of effective mills calculated in subparagraph (B) of this paragraph; and

(D) Subtract the initial equalization grant amount from the amount calculated in subparagraph (C) of this paragraph.

The resulting amount shall be the midterm adjustment to the equalization grant.

(e) If the result from subparagraph (A) of paragraph (2) of subsection (d) of this Code section is a positive number, the local school system's number of effective mills used in the calculation of its equalization grant for the ensuing fiscal year shall be adjusted by multiplying the number of effective mills calculated pursuant to paragraph (3) of subsection (b) of this Code section by the percentage increase calculated in subparagraph (A) of paragraph (2) of subsection (d) of this Code section. The resulting amount shall be the adjusted number of effective mills used in the calculation of the equalization grant pursuant to paragraph (3) of subsection (b) of this Code section;

provided, however, that in no event shall the adjusted number of effective mills to be equalized exceed 15 effective mills. ~~For Fiscal Year 2006 only, adjustments to equalization grants as provided in this subsection shall be allocated to local school systems following the adoption of the amended Appropriations Act for Fiscal Year 2006.~~"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Representative Dudgeon of the 24th moved that the House agree to the Senate substitute to HB 824.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	Y Heckstall	N Mayo	Y Setzler
Y Abrams	N Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
Y Allison	N Dempsey	Y Henson	N McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	N Sims, B
E Anderson	Y Dickey	N Hill	N Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	N Mitchell	N Smith, E
N Atwood	Y Dobbs	N Holmes	Morgan	N Smith, K
N Baker	N Dollar	Y Holt	N Morris	N Smith, L
N Battles	Y Drenner	N Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	N Houston	Y Murphy	N Smith, T
Y Bell	N Dukes	Y Howard	Neal, J	N Smyre
Y Benfield	N Dunahoo	Hudson	N Neal, Y	Spencer
N Benton	Y Dutton	Y Hugley	Nimmer	N Stephens, M
Y Beverly	Y Ehrhart	N Jackson	Y Nix	Y Stephens, R
N Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	N Jerguson	Y Parent	N Taylor, D
Bruce	N Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
N Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	N Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	N Pruett	Y Watson
N Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
N Channell	N Greene	Knight	N Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	N Harbin	N Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	N Maddox, B	N Roberts	N Williams, C
N Collins	N Harden, M	N Maddox, G	N Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	N Rogers, T	E Williams, R
N Coomer	N Hatchett	N Marin	N Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	N Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 101, nays 63.

The motion prevailed.

Representatives Fullerton of the 151st, Gordon of the 162nd, and Shaw of the 176th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representatives Dollar of the 45th and Smith of the 129th stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the Senate amendment to the following bill of the House:

HB 869. By Representatives Lane of the 167th, Knight of the 126th, Burns of the 157th, Wilkinson of the 52nd and Stephens of the 164th:

A BILL to be entitled an Act to amend Title 27 of the O.C.G.A., relating to game and fish, so as to extensively revise various provisions relative to salt water fisheries management; to change certain provisions relating to rules and regulations of the Board of Natural Resources used to establish game and fish criminal violations; to add certain provisions relating to requirements of the Salt Water Information Program; to amend Chapter 7 of Title 52 of the O.C.G.A., relating to the registration, operation, and sale of watercraft, so as to establish the date of rules and regulations promulgated by the Board of Natural Resources used to establish criminal violations; to correct cross-references; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 636. By Representatives Jacobs of the 80th and Taylor of the 79th:

A BILL to be entitled an Act to incorporate the City of Brookhaven in DeKalb County; to provide for a charter for the City of Brookhaven; to provide for incorporation, boundaries, and powers of the city; to provide for

general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To incorporate the City of Brookhaven in DeKalb County; to provide for a charter for the City of Brookhaven; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for codes; to provide for a Governor's Commission; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city manager, a city attorney, a city clerk, a city accountant, and other personnel; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for ethics and disclosures; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for homestead exemptions; to provide for bonds for officials; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from DeKalb County to the City of Brookhaven; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
CREATION, INCORPORATION, POWERS
SECTION 1.01.
Incorporation.

This Act shall constitute the charter of the City of Brookhaven, Georgia. The City of Brookhaven, Georgia, in the County of DeKalb, and the inhabitants thereof, are constituted and declared a body politic and corporate under the same name and style of the "City of Brookhaven" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

SECTION 1.02.
Corporate boundaries.

The boundaries of the City of Brookhaven shall be those set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. The city clerk shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

SECTION 1.03.
Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.
(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades to the extent permitted by general law;
(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as

authorized by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation.

(A) To condemn property inside the corporate limits of the city for present or future use and for any public purpose deemed necessary by the city council utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

(B) The municipality shall have the right to condemn and cause to be remediated or removed any building, structure, or existing condition within its corporate limits that is dangerous to life, limb, or property, by reasons of decay, dilapidation, or unsanitary condition. Nothing in this subparagraph shall be construed to relieve the municipality of any duty to give owners or interested persons reasonable notice and opportunity to remedy the situation. Nothing in this subparagraph shall be construed as relieving the municipality of liability to any interested person for damages to person or property taken or destroyed in furtherance of this subparagraph. This subparagraph shall not be construed as authorizing the doing of any act or thing contrary to the Constitution of this state and the policy of the general laws of this state. The municipality shall have authority to adopt reasonable ordinances and resolutions for the purpose of carrying out this subparagraph;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the enactment of ordinances that preserve and improve air quality, restore and maintain water resources, the control of erosion and sedimentation, manage storm water and establish a storm-water utility, manage solid and hazardous waste, and provide other necessary or beneficial actions for the protection of the environment. These ordinances shall include, without limitation, ordinances that protect, maintain, and enhance the public health, safety, environment, and general welfare and minimize public and private losses due to flood conditions in flood hazard areas, as well as protect the beneficial uses of flood plain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation, and ecological and environmental protection. Such ordinances may require that users vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion; control filling, grading, dredging, and other

development which may increase flood damage or erosion; prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; limit the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and protect the storm-water management, water quality, stream bank protection, stream corridor protection, wetland preservation, and ecological functions of natural flood plain areas;

(9) Ethics. To adopt ethics ordinances and regulations governing such things as, but not limited to, the conduct of municipal elected officials, appointed officials, contractors, vendors, and employees, establishing procedures for ethics complaints, and setting forth penalties for violations of such rules and procedures;

(10) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges, taxes, or fees;

(12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city and maintaining current homestead exemptions of residents of the city as authorized by Act of the General Assembly;

(16) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by law; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(17) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(18) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices not specified in this charter, commissions, authorities, and agencies of the city; and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(19) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(21) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, storm-water management, gasworks, electricity generating plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

(23) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(25) Planning and zoning. To provide comprehensive city planning for city land use, signage and outside advertising, and development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

(26) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency;

(27) Public hazards; removal. To provide for the destruction and removal of any building or other structure that is or may become dangerous or detrimental to the public;

(28) Public improvements. To provide for the acquisition, construction, building, operation, maintenance, or abolition of public ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside the corporate limits of the city and to regulate the use of public improvements; and for such purposes, property may be acquired by

condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

(29) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(30) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(31) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(32) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(33) Employee benefits. To provide and maintain a retirement plan, insurance, and such other employee benefits for appointed officers and employees of the city as are determined by the city council;

(34) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements, subject to referendum;

(37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) The millage rate imposed for ad valorem taxes on real property shall not exceed 3.35 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified electors of the City of Brookhaven voting on the issue, provided that the amount of millage associated with general obligation bonds shall not count as part of the 3.35 limit since such millage is already subject to approval by the electors of the city in a separate referendum; and

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of DeKalb County, as provided in Code Section 48-5-352 of the O.C.G.A.;

(38) Taxes: other. To levy and collect such other taxes and fees as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; to inspect said vehicles and mandate standards of safety and cleanliness; and to regulate the parking of such vehicles;

(40) Tourism, conventions, and trade shows. To provide for the structure, operation, or management of the Brookhaven Convention and Visitors Bureau created pursuant to Section 1.05 of this charter and to authorize the City of Brookhaven to contract with private sector nonprofit organizations or other governmental agencies to promote tourism, conventions, and trade shows;

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.04.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Act. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

SECTION 1.05.

Tourism, conventions, and trade shows.

The Brookhaven Convention and Visitors Bureau is hereby created.

ARTICLE II
GOVERNMENT STRUCTURE, ELECTIONS,
AND LEGISLATIVE BRANCH
SECTION 2.01.
City council creation; number; election.

(a) The legislative authority of the government of the City of Brookhaven, except as otherwise specifically provided in this charter, shall be vested in a city council of which the mayor shall be a voting member to the extent provided in subsection (a) of Section 2.10 of this charter.

(b)(1) The city council of Brookhaven, Georgia shall consist of four members, plus the mayor.

(2)(A) For the purposes of electing members of the city council, the City of Brookhaven shall be divided into four council districts, designated Council Districts 1 through 4. Such four districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act as Appendix "B" and further identified as 'Plan: BHccR2-2012 Plan Type: Local Administrator: H080 User: Gina'.

(B)(i) For the purposes of such plan:

(I) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(II) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(ii) Any part of the City of Brookhaven which is not included in any district described in subparagraph (A) of this paragraph shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(iii) Any part of the City of Brookhaven which is described in subparagraph (A) of this paragraph as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(iv) Any part of the City of Brookhaven which is described in subparagraph (A) of this paragraph as being included in a particular district which, on the effective

date of this Act is within the corporate boundaries of another municipality, shall not be included within such district.

(v) Any part of the City of Brookhaven which is described in subparagraph (A) of this paragraph as being included in a particular district which is not within the corporate boundaries of the City of Brookhaven shall not be included within such district.

(C) Following each decennial census, the city council shall revise such districts pursuant to Code Section 36-35-4.1 of the O.C.G.A. to maintain a proper population balance among such districts.

(3) One councilmember shall be elected from each of the four council districts. Each person desiring to offer as a candidate for councilmember shall designate the council district for which he or she is offering. Councilmembers shall be elected by a majority vote of the qualified electors of the respective council districts voting at the elections of the city. In the event that no candidate for a council district obtains a majority vote of the qualified electors of the council district voting in the election, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election for such council district shall be included in the run-off election. The person receiving the highest number of votes of the qualified electors of the council district voting at such run-off election shall be elected. Each candidate for election to the city council shall reside in the district he or she seeks to represent.

(c) With the exception of the initial terms set forth in subsection (d) of this section, councilmembers shall be elected to terms of four years and until their successors are elected and qualified on a staggered basis in alternate election cycles such that every two years two councilmembers are up for election.

(d) In order to assure staggered elections of the councilmembers, in the first election of the city council the terms for the candidates elected for Council Districts 2 and 4 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2013, as provided in subsection (b) of Section 2.02 of this charter. The terms for the candidates elected for Council Districts 1 and 3 shall expire upon the administration of the oath of office to their successors elected in the regular elections held in November, 2015, as provided in subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each councilmember shall be elected at the November election immediately preceding the end of such councilmember's term of office and the term of each councilmember shall expire upon the administration of the oath of office to his or her successor.

(e) With the exception of the initial term of office, the mayor of the City of Brookhaven, with the powers and duties specified herein, shall be elected to a term of four years and until his or her successor is elected and qualified. The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city. In the event that no candidate for mayor obtains a majority vote of the qualified electors of the city at large voting at the elections of the city, then a run-off election shall be held. The candidates receiving the two highest numbers of votes in the election shall

be included in the run-off election and the candidate receiving the highest number of votes in the runoff of the qualified electors of the city at large voting at such runoff shall be elected. The term of the first elected mayor shall expire upon the administration of the oath of office to his or her successor elected in the regular election held in November, 2015, as provided in subsection (b) of Section 2.02 of this charter. Thereafter, a successor to each mayor shall be elected at the November election immediately preceding the end of such mayor's term of office and the term of each mayor shall expire upon the administration of the oath of office to his or her successor.

SECTION 2.02.

Mayor and councilmembers; terms and qualifications for office.

(a) For all elections subsequent to the first election, the mayor and councilmembers shall serve for terms of four years and until their terms shall expire upon the administration of the oath of office to their successors. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Brookhaven for a continuous period of at least 12 months immediately prior to the date of the election for mayor or councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Brookhaven. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such district during that person's period of service.

(b) An election shall be held on the Tuesday after the first Monday in November, 2012, to elect the first mayor and city council. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in subsections (d) and (e) of Section 2.01 of this charter. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2013.

(c) The number of consecutive terms an individual may hold a position as a councilmember shall be unlimited.

(d) The number of consecutive terms an individual may hold the position of mayor shall be limited to two terms.

(e) No person who has been convicted of a felony or a crime of moral turpitude shall be eligible for election or to serve as mayor or councilmember of the City of Brookhaven.

(f) No person who was a member of the General Assembly at the time of the enactment of this charter shall be eligible for election or to serve as mayor or councilmember of the City of Brookhaven during the first four years of the city's existence.

SECTION 2.03.

Vacancy; filling of vacancies; suspensions.

(a) Elected officials of the city cannot hold other elective or public offices. The elective offices of the city's government shall become vacant upon the member's death, resignation, forfeiture of office, or removal from office. The following shall result in an elected city official forfeiting his or her office:

(1) Violating the provisions of this charter;

(2) Being convicted of, or pleading guilty or "no contest" to, a felony or a crime of moral turpitude; or

(3) Failing to attend one-third of the regular meetings of the council in a three-month period without being excused by the council.

(b) The office of mayor shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor.

(c) The office of a councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of a councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the mayor shall appoint a successor for the remainder of the term subject to the approval of the city council or those members remaining. This provision shall also apply to a temporary vacancy created by the suspension from office of a councilmember.

SECTION 2.04.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

SECTION 2.05.

Election votes.

The candidate for mayor who receives a majority vote of the qualified electors of the city at large voting at the elections of the city shall be elected. The candidates for Council Districts 1, 2, 3, and 4 who receive a majority vote of the qualified electors of Council Districts 1, 2, 3, and 4, respectively, voting at the elections of the city shall be elected.

SECTION 2.06.
Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law. Except as otherwise provided by this charter, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

SECTION 2.07.
Compensation and expenses.

The annual salary of the mayor shall be $16,000.00 and the annual salary for each councilmember shall be $12,000.00. Such salaries shall be paid from municipal funds in monthly installments. The mayor shall be provided an annual expense allowance of $5,000.00 and each councilmember shall be provided an annual expense allowance of $3,000.00 for the reimbursement of expenses actually and necessarily incurred by the mayor and councilmembers in carrying out their duties as elected officials of the city.

SECTION 2.08.
Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.09.
Meetings, oath of office, and mayor pro tempore.

(a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers collectively by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear (or affirm) that I will faithfully execute the office of [councilmember or mayor, as the case may be] of the City of Brookhaven, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Brookhaven. I am not the holder of any unaccounted for public money due this state or

any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Brookhaven for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Brookhaven to the best of my ability without fear, favor, affection, reward, or expectation thereof."

(b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of two years and until a successor is elected and qualified. The number of successive terms an individual may hold a position as mayor pro tempore shall be unlimited.

(c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described herein and shall perform the mayor's duties in the same manner as the mayor pro tempore.

(d) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(e) Special meetings of the city council may be held on the call of either the mayor and one councilmember or three councilmembers. Notice of such special meetings shall be delivered to all councilmembers, the mayor, and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor, all councilmembers, and city manager are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor, a councilmember, or the city manager in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the call may be transacted at the special meeting.

SECTION 2.10.

Quorum; voting.

(a) Three councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member, there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure must receive at least

three affirmative votes. No member of the city council shall abstain from voting on any matter properly brought before the city council for official action except when such councilmember has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason, other than a properly disclosed and recorded conflict of interest, shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved. The mayor shall vote only in the case of a tie or in the case where his or her vote will provide the number of votes necessary for approval of a matter.

(b) The following types of actions require an ordinance in order to have the force of law:

(1) Adopting or amending an administrative code or establishing, altering or abolishing a department, office not specified in this charter, or agency;

(2) Providing a fine or other penalty;

(3) Levying taxes;

(4) Granting, renewing, or extending a franchise;

(5) Regulating a rate for a public utility;

(6) Authorizing the borrowing of money;

(7) Conveying, leasing, or encumbering city land;

(8) Regulating land use and development; and

(9) Amending or repealing an ordinance already adopted.

(c) The city council shall establish by ordinance procedures for convening emergency meetings. In an emergency, an ordinance may be passed without notice or hearings if the city council passes the ordinance by three-fourths' vote; provided, however, that the city council cannot in an emergency meeting:

(1) Levy taxes;

(2) Grant, renew, or extend a franchise;

(3) Regulate a rate for a public utility; or

(4) Borrow money.

SECTION 2.11.

General power and authority of the city council.

(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Brookhaven as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Brookhaven and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.12.
Administrative and service departments.

(a) Except for the office of city manager and the elected positions provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.
(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and city council.

SECTION 2.13.
Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others, except as required by law;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged. "Valuable" shall be an amount determined by the city council; provided, however, that the amount shall not exceed $100.00;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she, or members of his or her immediate family, has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. "Private financial interest" shall include interests of immediate family. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose in writing such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the city council shall hold any other elective city office or be employed by any city or county government during the term for which elected.

SECTION 2.14.

Boards, commissions, and authorities.

(a) All members of boards, commissions, and authorities of the city shall be appointed by the mayor subject to confirmation by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law.

(b) No member of any board, commission, or authority of the city shall hold any elective office in the city. Councilmembers and the mayor, however, may serve as ex officio members of such boards, commissions, or authorities, without a vote.

(c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by this charter or any applicable law of the State of Georgia.

(d) No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating

himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the city council and administered by the mayor or a judicial officer authorized to administer oaths.

(e) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the councilmembers in accordance with state laws.

(f) Members of boards, commissions, and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

(g) Except as otherwise provided by this charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances of the city, or applicable state law as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the designated officer of the city.

SECTION 2.15.

Ordinance form; procedures.

(a) Every proposed ordinance and resolution shall be introduced in writing and the city council shall have the authority to approve, disapprove, or amend the same. A resolution may be passed at the time it is offered, but an ordinance shall not be adopted until the title of said ordinance shall have been read at two city council meetings, provided that the beginnings of said meetings are not less than 24 hours nor more than 60 days apart. This requirement of two readings shall not apply to emergency ordinances, to ordinances passed during the first 90 days from the date on which the city begins operation, to ordinances adopted at the first business meeting of the city council in a calendar year, or to ordinances adopted at the first meeting of the initial city council elected under subsection (b) of Section 2.02 of this charter. The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise are intended as mere catchwords to indicate the contents of the section, and:

(1) Shall not be deemed or taken to be titles of such sections or as any part of the section; and

(2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.

Furthermore, the article and section headings contained in this charter shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

(d) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent councilmembers. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

SECTION 2.16.
Submission of ordinances to the city clerk.

(a) Every ordinance, resolution, and other action adopted by the city council shall be presented to the city clerk within 15 days of its adoption or approval. The city clerk shall record upon the ordinance the date of its delivery from the city council.
(b) An ordinance or resolution that has been passed by the city council shall become effective on the date the ordinance is passed by the city council or on such other date as may be specified in the ordinance.

ARTICLE III
EXECUTIVE BRANCH
SECTION 3.01.
Powers and duties of the mayor.

(a) The mayor shall:
(1) Preside over all meetings of the city council;
(2) Set the agenda for meetings of the city council; provided, however, that additional items shall be added to the agenda upon the written request of any two or more members of the city council;
(3) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials;
(4) Sign all orders, checks, and warrants for payment of money within a level of authorization as established by the city council;
(5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council;
(6) Vote in matters before the city council to the extent provided in subsection (a) of Section 2.10 of this charter;
(7) Make all appointments of city officers as provided by this charter, subject to confirmation by the city council;
(8) Serve in a part-time capacity and be compensated accordingly; and
(9) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.
(b) The mayor shall have the authority to transfer appropriations within a department, fund, service, strategy, or organizational unit but only with approval of the city council.
(c) The mayor shall have the authority to certify that a supplemental appropriation is possible due to unexpected revenue increases but only with approval of the city council.
(d) The mayor shall have all of the powers specifically granted to the mayor elsewhere in this charter regardless of whether such powers are enumerated in this section.

SECTION 3.02.
City manager; appointment and qualification.

The mayor shall appoint, subject to confirmation by the city council, an officer whose title shall be the city manager. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management.

SECTION 3.03.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the city. The city manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.

SECTION 3.04.

City manager; powers and duties enumerated.

The city manager shall have the power and it shall be his or her duty to:

(1) See that all laws and ordinances are enforced;

(2) Appoint and employ all necessary employees of the city, provided that the power of this appointment shall not include officers and employees who by this charter are appointed or elected by the mayor and the city council or departments not under the jurisdiction of the city manager;

(3) Remove employees appointed and employed under paragraph (2) of this section without the consent of the city council and without assigning any reason therefor;

(4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the city council except as otherwise provided in this charter;

(5) Attend all meetings of the city council, without a right to vote, but with a right to take part in the discussions as seen fit by the chair; provided, however, that regardless of the decision of the meeting chair, the city manager may take part in any discussion and report on any matter requested and approved by the city council at such meeting. The city manager shall be entitled to notice of all special meetings;

(6) Recommend to the city council, after prior review and comment by the mayor, for adoption of such measures as the city manager may deem necessary or expedient;

(7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(8) Make and execute all lawful contracts on behalf of the city as to matters within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation

requiring a budget amendment shall be valid and binding until after approval of the city council;

(9) Sign all orders, checks, and warrants for payment of money within the city manager's level of authorization as established by the city council to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the city council;

(10) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

(11) Keep the city council at all times fully advised as to the financial condition and needs of the city;

(12) Make a full written report to the city council on the fifteenth of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the city clerk;

(13) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

(14) Perform such other duties as may be prescribed by this charter or required by ordinance or resolution of the city council.

SECTION 3.05.

City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the mayor or city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the city manager solely through the city manager, and neither the mayor, the city council, nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.06.

City manager; removal.

(a) The mayor and city council may suspend the city manager from office by a vote at least three members. The mayor and city council, by a vote of at least three members, may remove the city manager from office at a subsequent meeting of the city council held on a different day following the suspension of the city manager. The mayor shall be permitted to vote on the suspension and removal of the city manager notwithstanding the provisions of subsection (a) of Section 2.10 of this charter. This provision may be supplemented, but not supplanted, by an employment contract of the city manager which provides for additional procedures for suspension or removal from office.

(b) The city manager shall continue to receive his or her salary until the effective date of a final resolution of his or her removal. The action of the city council in suspending or removing the city manager shall not be subject to review by any court or agency.
(c) If the city manager is suspended in accordance with subsection (a) of this section or becomes disabled and is unable to carry out the duties of the office or if the city manager dies, the acting city manager shall perform the duties of the city manager until the city manager's disability is removed or until the city manager is replaced. Removal of the city manager because of disability shall be carried out in accordance with the provisions of subsection (a) of this section.

SECTION 3.07.
Acting city manager.

(a) The mayor with the approval of the city council may appoint any person to exercise all powers, duties, and functions of the city manager during the city manager's suspension under subsection (a) of Section 3.06, temporary absence from the city, or during the city manager's disability.
(b) In the event of a vacancy in the office of city manager, the mayor may designate with the approval of the city council a person as acting city manager, who shall exercise all powers, duties, and functions of the city manager until a city manager is appointed.

SECTION 3.08.
City attorney.

The mayor shall appoint the city attorney together with such assistant city attorneys as may be deemed appropriate subject to confirmation by the city council and shall provide for the payment of such attorney for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city. No person who was a member of the General Assembly at the time of the enactment of this charter shall be eligible to serve as city attorney during the first four years of the city's existence.

SECTION 3.09.
City clerk.

The mayor may appoint a city clerk subject to confirmation by the city council to keep a journal of the proceedings of the city council; to maintain in a safe place all records and

documents pertaining to the affairs of the city; and to perform such duties as may be required by law or ordinance or as the mayor or city manager may direct.

SECTION 3.10.
City accountant.

The mayor may appoint a city accountant subject to confirmation by the city council to perform the duties of an accountant. The city accountant shall also act as tax collector to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city; and such tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

SECTION 3.11.
City internal auditor.

The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with the provisions of this charter, the applicable city budget, and applicable ordinances, resolutions, or other actions duly adopted or approved under the provisions of this charter.

SECTION 3.12.
Consolidation of functions.

The city manager, with the approval of the city council, may consolidate the positions of city clerk and city accountant, or any other positions, or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

SECTION 3.13.
Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for adoption. Said plan may apply to all employees of the City of Brookhaven and any of its agencies and offices. When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in

conformity with such pay plan or pursuant to an amendment of said pay plan duly adopted by the city council. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV
MUNICIPAL COURT
SECTION 4.01.
Creation.

There is established a court to be known as the Municipal Court of the City of Brookhaven which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Said court shall be presided over by the judge of said court. In the absence or disqualification of the judge, the judge pro tempore shall preside and shall exercise the same powers and duties as the judge when so acting.

SECTION 4.02.
Judge.

(a) No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 28 years and shall have been a member of the State Bar of Georgia for a minimum of three years. The judge shall be nominated by the mayor subject to approval by the city council. The compensation and number of the judges shall be fixed by the city council.
(b) The judge pro tempore shall serve as requested by the judge, shall have the same qualifications as the judge, shall be nominated by the mayor subject to approval of the city council, and shall take the same oath as the judge.
(c) Before entering on duties of his or her office, the judge and judge pro tempore shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.
(d) The judge, or judge pro tempore, shall serve for a term of two years but may be removed from the position by a two-thirds' vote of the entire membership of the mayor and city council, notwithstanding the provisions of subsection (a) of Section 2.10 of this

charter, or shall be removed upon action taken by the Judicial Qualifications Commission for:

(1) Willful misconduct in office;

(2) Willful and persistent failure to perform duties;

(3) Habitual intemperance;

(4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or

(5) Disability seriously interfering with the performance of duties which is, or is likely to become, of a permanent character.

SECTION 4.03.

Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

SECTION 4.04.

Jurisdiction; powers.

(a) The municipal court shall try and punish for crimes against the City of Brookhaven and for violation of its ordinances. The municipal court may fix punishment for offenses within its jurisdiction to the fullest extent allowed by state law.

(b) The municipal court shall have authority to recommend to the city council for approval a schedule of fees to defray the cost of operation.

(c) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Brookhaven, or the property so deposited shall have a lien against it for the value forfeited.

(d) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.

(e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of said court.

(f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by state law.

(g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Brookhaven granted by state laws generally to municipal courts and particularly by such laws as authorize the abatement of nuisances.

SECTION 4.05.
Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of DeKalb County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.06.
Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court.

ARTICLE V
FINANCE AND FISCAL
SECTION 5.01.
Fiscal year.

The city council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

SECTION 5.02.
Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 5.03.
Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but no later than 45 days prior to the end of the current fiscal year, the city manager shall, after input, review, and comment by the mayor, submit to the city council a proposed operating budget and capital budget for

the ensuing fiscal year. The budget shall be accompanied by a message from the mayor and city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as they may deem pertinent. The operating budget, capital budget, budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

(b) In each year of the city's operation, the city manager and mayor shall present to the city council a budget which is balanced in projected spending and revenues.

(c) Prior to passage of the budget, the city council shall hold a special public hearing at which the budget will be presented and public comment on the budget will be solicited. The date, time, and place of the special public hearing shall be announced no less than 30 days prior to the scheduled date for such hearing.

(d) All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made. When a supplemental appropriation is certified by the mayor to exist pursuant to subsection (c) of Section 3.01 of this charter, these appropriations can be spent during the current fiscal year following passage of a supplemental appropriation ordinance.

SECTION 5.04.

Action by city council on budget.

(a) The city council may amend the operating budget or capital budget proposed by the city manager in accordance with subsection (a) of Section 5.03 of this charter except that the budget, as finally amended and adopted, must provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues constituting the fund availability of such fund.

(b) The city council shall adopt a budget on or before the last day of the current fiscal year. If the city council fails to adopt the budget by the prescribed deadline, the operating budget and capital budget proposed by the mayor and city manager shall be adopted without further action by the city council.

SECTION 5.05.

Procurement and property management.

No contract with the city shall be binding on the city unless it is in writing. The city council may adopt procedures for the authorization of certain contracts without city attorney review or city council approval. Absent the foregoing, no contract with the city shall be binding on the city unless:

(1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.

SECTION 5.06.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city in accordance with recognized public purchasing standards and with the requirements of state law.

SECTION 5.07.

Audits.

(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles, general audit standards, and state law. Copies of all audit reports shall be available at printing cost to the public.

(b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

SECTION 5.08.

Homestead exemption; freeze.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Brookhaven, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this section is first granted to the most recent owner of such homestead.

(3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include not more than five contiguous acres of homestead property.

(b) Each resident of the City of Brookhaven is granted an exemption on that person's homestead from City of Brookhaven ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is added to or

removed from the homestead, the base year assessed value shall be adjusted to reflect such addition or removal, and the exemption shall be recalculated accordingly. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Brookhaven, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Brookhaven, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Brookhaven, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Brookhaven, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2013.

SECTION 5.09.

Homestead exemption; senior citizens; disabled.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Brookhaven, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement,

disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and such individual's spouse under the federal Social Security Act. Income from such sources in excess of such maximum amount shall be included as income for the purposes of this Act.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Brookhaven who is disabled or is a senior citizen is granted an exemption on that person's homestead from City of Brookhaven ad valorem taxes for municipal purposes in the amount of $14,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed $15,000.00 for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Brookhaven, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Brookhaven, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Brookhaven, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Brookhaven, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or

independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2013.

SECTION 5.10.

Homestead exemption; general.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Brookhaven, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Brookhaven is granted an exemption on that person's homestead from City of Brookhaven ad valorem taxes for municipal purposes in the amount of $20,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Brookhaven, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Brookhaven, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Brookhaven, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Brookhaven, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu

of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2013.

SECTION 5.11.

Homestead exemption; surviving spouses.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Brookhaven, including, but not limited to, ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Unremarried surviving spouse" of a member of the armed forces includes the unmarried widow or widower of a member of the armed forces who is receiving spousal benefits from the United States Department of Veterans Affairs.

(b) Any person who is a resident of the City of Brookhaven and who is an unremarried surviving spouse of a member of the armed forces of the United States who has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all City of Brookhaven ad valorem taxation for municipal purposes in the amount of the greater of $32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this section effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.

(c) In order to qualify for the exemption provided for in this section, the unremarried surviving spouse shall furnish to the governing authority of the City of Brookhaven, or the designee thereof, documents from the United States Secretary of Defense evidencing that such unremarried surviving spouse receives spousal benefits as a result of the death of such person's spouse who as a member of the armed forces of the United States was killed or died as a result of a war or armed conflict while on active duty or while performing authorized travel to or from active duty during such war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal law which provides survivor benefits for spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.

(d) An unremarried surviving spouse filing for the exemption under this section shall be required to file with the governing authority of the City of Brookhaven, or the designee thereof, information relative to marital status and other such information which the governing authority of the City of Brookhaven, or the designee thereof, deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the governing authority of the City of Brookhaven, or the designee thereof. Once filed, the exemption shall automatically be renewed from year to year, except that the governing authority of the City of Brookhaven, or the designee thereof, may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this section to notify the governing authority of the City of Brookhaven, or the designee thereof, in the event that person for any reason becomes ineligible for such exemption.

(e) The exemption granted by this section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for municipal purposes which is equal to or lower in amount than such exemption granted by this section. If the amount of any other exemption from ad valorem taxation for municipal purposes applicable to any resident qualifying under this section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this section.

(f) The exemptions granted by this section shall apply to all tax years beginning on or after January 1, 2013.

ARTICLE VI

GENERAL PROVISIONS.

SECTION 6.01.

DeKalb County Special Services Tax District.

For the taxable years beginning on or after January 1, 2013, the adjusted ad valorem tax millage rate and amount for service charges or fees for district services for the Brookhaven special services tax district shall be zero percent. This section is enacted pursuant to the authority granted to the General Assembly under Section 1 of that local constitutional amendment providing that certain municipalities in DeKalb County shall constitute special services tax districts, Resolution Act. No. 168; House Resolution No. 715-1916; Ga. L. 1978, p. 2468, to control the subject matter of such local constitutional amendment. Municipal services provided by DeKalb County for the City of Brookhaven will be established through intergovernmental agreements or established as otherwise authorized by statute.

SECTION 6.02.

Referendum and initial election.

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of DeKalb County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Brookhaven for approval or rejection. The superintendent shall set the date of such election for the date of the general primary in 2012. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of Brookhaven in DeKalb County according to the charter contained in the Act and the homestead exemptions
( ) NO described in the Act be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by DeKalb County. Within two years after the elections if the incorporation is approved, the City of Brookhaven shall reimburse DeKalb County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to Section 2.02 of this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Brookhaven to be held on the Tuesday after the first Monday in November, 2012, the qualified electors of the City of Brookhaven shall be those qualified electors of DeKalb County residing within the corporate limits of the City of Brookhaven as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of Brookhaven shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for by subsection (a) of this section and holding and conducting the special election of the City of Brookhaven to be held on the Tuesday after the first Monday in November, 2012, the election superintendent of DeKalb County is vested with the powers and duties of the election superintendent of the City of Brookhaven and the powers and duties of the governing authority of the City of Brookhaven.

SECTION 6.03.

Effective dates and transition.

(a) The initial mayor and councilmembers shall take the oath of office the next business day after certification of the election of such officers, and by action of any three members of the governing authority may, prior to December 17, 2012, meet and take actions binding on the city.

(b) A period of time will be needed for an orderly transition of various government functions from DeKalb County to the City of Brookhaven. Accordingly there shall be a two-year transition period as allowed by law beginning at 12:01 A.M. on December 17, 2012.

(c) During such transition period, DeKalb County shall continue to provide within the territorial limits of the city all government services and functions which DeKalb County provided prior to such date in 2012 and at the same actual direct cost and level of service, except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' prior written notice to the governing authority of DeKalb County by the governing authority of City of Brookhaven, responsibility for any such service or function shall be transferred to the City of Brookhaven. The governing authority of the City of Brookhaven shall determine the date of commencement of collection of taxes, fees, assessments, fines, and forfeitures, and other moneys within the territorial limits of the city and the date upon which the City of Brookhaven is considered removed from the special tax district.

(d) During the transition period, the governing authority of the City of Brookhaven may generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.

(e) During the transition period, all ordinances of DeKalb County shall remain applicable within the territorial limits of the city unless otherwise amended, repealed, or replaced by the City of Brookhaven. Any transfer of jurisdiction to the City of Brookhaven during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in DeKalb County or the pending prosecution of any violation of any ordinance of DeKalb County.

(f) During the transition period, the governing authority of the City of Brookhaven may at any time, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Brookhaven commencing to exercise its planning and zoning powers, the Municipal Court of the City of Brookhaven shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(g) Effective upon the termination of the transition period, subsections (b) through (f) of this section shall cease to apply except for the last sentence of subsection (e) which shall remain effective. Effective upon the termination of the transition period, the City of Brookhaven shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 6.04.
Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that if it is not possible to hold the referendum election provided for in Section 6.02 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable but not later than 45 days after securing approval under the federal Voting Rights Act. If the referendum election provided for in Section 6.02 of this Act is conducted on or before August 21, 2012, the special election for the initial members of the governing authority shall be conducted on the date specified in Section 2.02 of this Act. If the referendum election provided for under Section 6.02 of this Act is conducted after August 21, 2012, then the special election for the initial members of the governing authority shall be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly. If the first election provided for in Section 2.02 of this Act occurs after the Tuesday following the first Monday in November, 2012, the city council shall be authorized to delay the dates otherwise specified in Section 6.03 of this Act.

SECTION 6.05.
Governor's Commission.

After the approval of this Act in the referendum as provided in Section 6.02, the Governor's Commission on Brookhaven shall be appointed pursuant to subsection (g) of Code Section 36-31-8 of the O.C.G.A. All five interim representatives on such commission shall be residents of the area encompassed by the City of Brookhaven and shall meet any qualifications contained in subsection (g) of Code Section 36-31-8 of the O.C.G.A. The five interim representatives shall include at least one representative who resides in each council district. The Governor shall appoint one of the interim representatives as the chairperson who shall preside at meetings of the commission. All meetings of the commission shall be subject to Chapter 14 of Title 50 of the O.C.G.A. regarding open and public meetings, as it now exists or is subsequently amended. After the qualifying period ends for the initial members of the governing authority, but prior to the election for such initial members, the commission shall conduct a training seminar for all of the qualified candidates for mayor and city council on the duties, responsibilities, obligations, and laws regarding service on a municipal governing authority. For the presentation of such seminar, the commission is authorized to enlist the assistance of the Georgia Municipal Association, the Carl Vinson Institute of Government of the

University of Georgia, and similar organizations. The commission shall, in addition to conducting such seminar and performing its other duties prescribed in subsection (g) of Code Section 36-31-8 of the O.C.G.A., prepare and present a written report to the new mayor and city council on the following matters:

(1) Backgrounds and qualifications of possible candidates for the positions of city manager, city attorney, city clerk, and city accountant;

(2) A proposed plan for cost-effectively privatizing the delivery of as many city services as practicable based upon the best practices of other municipalities; and

(3) Possible locations and pricing for leased city office facilities.

Such report shall be made public via the Internet on the day immediately following the general election date of the mayor and city council and shall be delivered to the newly elected mayor and city council. The commission shall stand dissolved when the members of the first city council take office.

SECTION 6.06.

Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 6.07.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The boundaries of the proposed City of Brookhaven shall become effective upon the effective date of this Act for the purposes of annexation of territory by other municipalities and no portion of the territory within the proposed City of Brookhaven shall be subject to annexation as of the effective date of this Act. If the referendum provided for in Section 6.02 fails, then such boundaries shall cease to exist and shall be subject to annexation by other municipalities.

SECTION 6.08.

Repealer.

All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A
LEGAL DESCRIPTION
CORPORATE LIMITS
CITY OF BROOKHAVEN, DEKALB COUNTY, GEORGIA

Commence at a point on the land lot line common to Land Lot 6 of the 17th District of Fulton County, Georgia and Land Lot 154 of the 18th District of DeKalb County, Georgia, where said land lot line intersects with the northerly right-of-way line of the Northeast Expressway (inclusive of access roads) (a/k/a Interstate I-85); thence running north along the land lot lines dividing Fulton and DeKalb Counties following the easterly boundaries of the City of Atlanta and the City of Sandy Springs, respectively, (including any deviations from said land lot line to the extent that boundary of the City of Atlanta crosses into DeKalb County, Georgia as of the date of this description) to a point on the land lot line common to Land Lot 17 of the 17th District of Fulton County, Georgia, and Land Lot 329 of the 18th District of DeKalb County where said land lot line intersects with the southerly boundary of the City of Dunwoody, Georgia, and the southerly right-of-way line of the Perimeter Highway (a/k/a I-285); thence running northeasterly and easterly along said southerly right-of-way line following the southerly boundary of the City of Dunwoody, Georgia, to a point in Land Lot 345 of the 18th District of DeKalb County, Georgia, where said southerly right-of-way line and the southerly border of the City of Dunwoody, Georgia intersect with the westerly right-of-way line of Chamblee Dunwoody Road and the boundary of the City of Chamblee, Georgia; thence following said westerly right-of-way line running southerly following the westerly boundary of the City of Chamblee, Georgia to a point in Land Lot 308 of the 18th District of DeKalb County, Georgia, where said westerly right-of-way line intersects with the northerly right-of-way line of Harts Mill Road; thence running southwesterly, northwesterly and southwesterly along said right-of-way line following the boundary of the City of Chamblee, Georgia, to the point where said right-of-way line intersects with the land lot line common to Land Lots 306 and 307 in the 18th District of DeKalb County, Georgia; thence leaving said right-of-way line, following said land lot line south along the westerly boundary of the City of Chamblee, Georgia, to a point where the land lot line common to Land Lots 277 and 278 of the 18th District of DeKalb County, Georgia, intersects with the northerly right-of-way line of Peachtree Road (f/k/a Peachtree Industrial Boulevard); thence leaving said land lot line running southwesterly along said northerly right-of-way line of Peachtree Road for a distance of 1250 feet, more or less to a point following the boundary of the City of Chamblee, Georgia, as described in Article 1, Section 2.6 of the Charter of the City of Chamblee, Georgia (1967 Annexation); thence leaving said northerly right-of-way line following the boundary of the City of Chamblee, Georgia, following the boundary being described in Article 1, Section 2.8 of the Charter of the City of Chamblee, Georgia (1978 Annexation), easterly to a point where said boundary intersects with the land lot line common to Land Lots 277 and 278 of the 18th District of DeKalb County; thence continuing along the boundary of the City of Chamblee, Georgia, southerly and easterly to the point where said boundary intersects with the right-of-way

of 8th Street; thence running easterly along the right-of-way of 8th Street, following the boundary of the City of Chamblee, to the intersection of said right-of-way and the City of Chamblee boundary with the westerly right-of-way line of Clairmont Road; thence running due east across said right-of-way to the easterly right-of-way line of Clairmont Road; thence running southerly following the easterly right-of-way line of Clairmont Road to a point at the intersection of said easterly right-of-way line and the northerly right-of-way line of the Northeast Expressway (inclusive of access roads) (a/k/a Interstate I-85) in Land Lot 196 of the 18th District of DeKalb County, Georgia; thence following said northerly right-of-way line southwest to the POINT OF BEGINNING.

All right-of-way and boundary descriptions shall be as of the date of the passage of this legislation.

APPENDIX B
LEGAL DESCRIPTION
CITY COUNCIL DISTRICTS
CITY OF BROOKHAVEN, DEKALB COUNTY, GEORGIA

Plan: BHccR2-2012
Plan Type: Local
Administrator: H080
User: Gina

District 001
DeKalb County
VTD: 089AG - ASHFORD DUNWOOD
021101:
1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1013 1014
1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026
1027 1030 1031 1032
021209:
3010
VTD: 089AH - ASHFORD PARKSIDE
VTD: 089MU - MONTGOMERY ELEM
VTD: 089NA - NANCY CREEK ELEM
021202:
1010 1013 1014 1015 1027 1028 2012

District 002
DeKalb County
VTD: 089AB - ASHFORD PARK ELEMENTARY
VTD: 089BE - BRIARWOOD
021405:
3013

021413:
1014 1015 1016 1018
VTD: 089BI - BROOKHAVEN
021411:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 2001 2004 2005 2006
VTD: 089SE - SILVER LAKE
021102:
1004 2020 3006 4018
021209:
3011 3016
VTD: 089SF - SKYLAND
021405:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 3000 3001 3002
021412:
2013 2016 2017 2018 2019 2020 2021 2022 2024
021413:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1017 2000 2001 2002

District 003
DeKalb County
VTD: 089AG - ASHFORD DUNWOOD
021102:
3000
VTD: 089BE - BRIARWOOD
021405:
2012 2021 3012 3014 3015 3016 3017 3018 3019 3020
021416:
1000 1001 1002 1003 1004 1005 1006
VTD: 089BI - BROOKHAVEN
021405:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2013 2014 2015 2016 2017 2018 2019 2020 2022 2023 3003 3004
3005 3006 3007 3008 3009 3010 3011
VTD: 089CO - CROSS KEYS HIGH
021415:
1000 1001 1002 1003 1004 1005 1006 1007 1008 2000 2001 2002
2003 2004 2005 2006 2008 2009 2010
VTD: 089SE - SILVER LAKE
021102:
1000 1001 1002 1003 1005 1006 2000 2001 2002 2003 2004 2005

2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017
2018 2019 3001 3002 3003 3004 3005 4000 4001 4002 4003 4004
4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016
4017 4019 4020 4021

District 004
DeKalb County
VTD: 089BE - BRIARWOOD
021416:
2000 2001 2002 2003
VTD: 089CO - CROSS KEYS HIGH
021415:
2007
021416:
2004 2005
021417:
3000 3001 3002 3003 3004
VTD: 089MJ - MONTCLAIR ELEM
021414:
1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 2004
2005 2006 2007 2008 2009
021417:
2000 2001 2002 2003 2004 2005 2009 2017
021603:
2000 2007
VTD: 089WJ - WOODWARD ELEM

APPENDIX C

CERTIFICATE AS TO MINIMUM STANDARDS FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Representative Mike Jacobs, Georgia State Representative from the 80th District and the author of this bill introduced at the 2011 session of the General Assembly of Georgia, which grants an original municipal charter to the City of Brookhaven, do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original incorporation in this bill is in all respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A.

This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified this ____ day of _____, 2012.

Honorable Mike Jacobs
Representative, 80th District
Georgia House of Representatives

Representative Jacobs of the 80th moved that the House agree to the Senate substitute to HB 636.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
E Amerson
E Anderson
N Ashe
Y Atwood
Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
Y Benton
N Beverly
Y Black
Y Braddock
Y Brockway
N Brooks
N Bruce
N Bryant
N Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Cooper
Crawford
Y Davis
N Dawkins-Haigler
Y Dempsey
N Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
N Drenner
Y Dudgeon
N Dukes
Y Dunahoo
Y Dutton
Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
N Floyd
N Fludd
N Frazier
Fullerton
N Gardner
Y Geisinger
Y Golick
N Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
N Heard
N Heckstall
Y Hembree
N Henson
Y Hightower
Y Hill
N Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
N Howard
Hudson
N Hugley
N Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Y Jones, J
Jones, S
N Jordan
N Kaiser
N Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Y Maxwell
N Mayo
Y McBrayer
McCall
Y McKillip
Y Meadows
N Mitchell
N Morgan
Y Morris
N Mosby
N Murphy
Y Neal, J
N Neal, Y
Nimmer
Y Nix
N Oliver
Y O'Neal
Y Pak
N Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
N Randall
N Reece
Y Rice
Y Riley
Roberts
Y Rogers, C
Y Rogers, T
Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Smith, T
N Smyre
Y Spencer
N Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
Y Teasley
N Thomas
N Waites
Y Watson
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 104, nays 57.

The motion prevailed.

The Speaker Pro Tem assumed the Chair.

HB 1049. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to change its applicability and requirements; to change certain definitions; to correct certain cross-references; to require that Voice over Internet Protocol service suppliers register certain information with the director of emergency management; to require that such information be updated; to provide for notices of delinquency to be sent by the director under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to change its applicability and requirements; to change certain definitions; to correct certain cross-references; to require that Voice over Internet Protocol service suppliers register certain information with the director of emergency management; to require that such information be updated; to change certain provisions relating to subscriber billing and liability and the use of proceeds in the Emergency Telephone System Fund; to provide for notices of delinquency to be sent by the director under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," is amended by revising paragraph (12.1) of Code Section 46-5-122, relating to definitions, as follows:

"(12.1) 'Prepaid wireless service' means any method ~~pursuant to which a customer pays a wireless service provider in advance for a wireless telecommunications connection. Such term shall include, without limitation, calling or usage privileges included with the purchase of a wireless telephone as well as additional calling or usage privileges purchased by any means, including, without limitation, a calling card, a wireless communication, or an Internet transaction~~ <u>where a telephone subscriber pays in advance for a wireless telecommunications connection:</u>

(A) That is sold in predetermined units or dollars:

(i) The number of which declines with use in a known amount; and

(ii) Which expire without an additional retail purchase of units or dollars;

(B) That is not offered in conjunction with other communications services for which the terms permit payment in arrears; and

(C) The charges for which are:

(i) Not billed to any telephone subscriber or other person; or

(ii) Not provided to a telephone subscriber or other person in a monthly statement.

Such term shall include, without limitation, calling or usage privileges included with the purchase of a wireless telephone as well as additional calling or usage privileges purchased by any means, including, without limitation, a calling card, a call, or an Internet transaction."

SECTION 2.

Said part is further amended by revising Code Section 46-5-124.1, relating to the requirement that service suppliers register certain information with the director of emergency management, updating certain information, and notices of delinquency, as follows:

"46-5-124.1.

(a) Any service supplier or Voice over Internet Protocol service supplier doing business in Georgia shall register the following information with the director:

(1) The name, address, and telephone number of the representative of the service supplier or Voice over Internet Protocol service supplier to whom the resolution adopted pursuant to Code Section 46-5-133 or other notification of intent to provide automatic number identification or automatic location identification, or both, of a telephone service connection should be submitted;

(2) The name, address, and telephone number of the representative of the service supplier or Voice over Internet Protocol service supplier with whom a local government must coordinate to implement automatic number identification or automatic location identification, or both, of a telephone service connection;

(3) The counties in Georgia in which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service at the time the filing is made; and

(4) Every corporate name under which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service in Georgia.

(b) After the initial submission by each service supplier or Voice over Internet Protocol service supplier doing business in this state, the information required by subsection (a) of this Code section shall be updated and submitted to the director by the tenth day of January and the tenth day of July of each year or such other semiannual schedule as the director may establish.

(c) The director shall send a notice of delinquency to any service supplier or Voice over Internet Protocol service supplier which fails to comply with subsection (b) of this Code section. Such notice shall be sent by certified mail or statutory overnight

delivery. Any service supplier ~~which~~ or Voice over Internet Protocol service supplier that fails to register and provide the information required by this Code section within 30 days after receipt of a notice of delinquency shall not be eligible to receive cost recovery funds as provided in subsection (e) of Code Section 46-5-134 until the service supplier or Voice over Internet Protocol service supplier is in compliance with subsection (b) of this Code section."

SECTION 3.

Said part is further amended by revising subsection (e) of Code Section 46-5-134, relating to subscriber billing and liability, taxes on service, establishment of and the use of proceeds in the Emergency Telephone System Fund, and records, as follows:

"(e)(1) A wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the geographic area that is served by the local government or would be served by the local government for the purpose of such emergency 9-1-1 system; provided, however, that such amount may be increased to 45¢ upon implementation of step two of the state plan governing 9-1-1 enhanced communications as provided in subsection (g) of this Code section. Such cost recovery amount shall be based on the actual cost incurred by the wireless service supplier in providing wireless enhanced 9-1-1 services.

(2) A wireless service supplier shall not be authorized to recover any costs under paragraph (1) of this subsection with respect to any prepaid wireless services."

SECTION 4.

Said part is further amended by revising Code Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee by localities, collection and remission of charges, and distribution of funds, as follows:

"46-5-134.2.

(a) As used in this Code section, the term:

(1) 'Commissioner' means the state revenue commissioner.

(2) 'Consumer' means a person who purchases prepaid wireless ~~telecommunications~~ service in a retail transaction.

(3) 'Department' means the Department of Revenue.

(4) 'Prepaid wireless 9-1-1 charge' means the charge that is required to be collected by a seller from a consumer in the amount established under subsection (b) of this Code section.

(5) ~~'Prepaid wireless telecommunications service' has the same meaning as prepaid wireless service as such term is defined in Code Section 46-5-122~~ Reserved.

(6) 'Provider' means a person that provides prepaid wireless ~~telecommunications~~ service pursuant to a license issued by the Federal Communications Commission.

(7) 'Retail transaction' means the purchase of prepaid wireless ~~telecommunications~~ service from a seller for any purpose other than resale.

(8) 'Seller' means a person who sells prepaid wireless ~~telecommunications~~ service to another person.

(9) 'Wireless telecommunications service' means commercial mobile radio service as defined by 47 C.F.R. Section 20.3 ~~of Title 47 of the Code of Federal Regulations~~, as amended.

(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point, including counties and municipalities that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, are authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the amount of ~~75 cents~~ 75¢ per retail transaction. Imposition of the ~~fee~~ charge authorized by this Code section by a county or municipality ~~is~~ shall be contingent upon compliance with the requirements of paragraph (1) of subsection (j) of this Code section.

(2) Where a county or municipality that operates a 9-1-1 public safety answering point fails to comply with the requirements of paragraph (1) of subsection (j) of this Code section by December 31, 2011, on and after that date, the prepaid wireless 9-1-1 charge authorized by paragraph (1) of this subsection shall be imposed within the jurisdiction of such counties and municipalities as a state fee for state purposes.

(c) Where a county or municipality imposes a prepaid wireless 9-1-1 charge as authorized by paragraph (1) of subsection (b) of this Code section, or the prepaid wireless 9-1-1 charge is imposed by the State of Georgia by paragraph (2) of subsection (b) of this Code section, the prepaid wireless 9-1-1 charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 9-1-1 charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller~~,~~ or otherwise disclosed to the consumer.

(d) For the purposes of subsection (c) of this Code section, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of a prepaid wireless calling service as provided in paragraph (3) of subsection (e) of Code Section 48-8-77.

(e) The prepaid wireless 9-1-1 charge shall be the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 9-1-1 charges that the seller collects from consumers as provided in this Code section, including all such charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(f) The amount of the prepaid wireless 9-1-1 charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

(g)(1) If a minimal amount of prepaid wireless ~~telecommunications~~ service is sold with a prepaid wireless device for a single, nonitemized price, then the seller may elect not to apply the amount specified in subsection (b) of this Code section to such transaction.

(2) If a minimal amount of prepaid wireless service is separately priced and sold as part of a single retail transaction that does not contain a prepaid wireless device or another prepaid wireless service, then the seller may elect not to apply the amount specified in subsection (b) of this Code section to such transaction.

(3) For purposes of this subsection, the term 'minimal' means an amount of service denominated as ten minutes or less~~,~~ or $5.00 or less.

(h) Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the commissioner at the times and in the manner provided by Chapter 8 of Title 48 with respect to the sales and use tax imposed on prepaid wireless calling service. The commissioner shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to the sale of prepaid wireless calling service under Chapter 8 of Title 48. Audit and appeal procedures applicable under Chapter 8 of Title 48 shall apply to the prepaid wireless 9-1-1 charge. The commissioner shall establish procedures by which a seller of prepaid wireless ~~telecommunications~~ service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under Chapter 8 of Title 48. Nothing in this Code section shall authorize the commissioner to require that sellers of prepaid wireless ~~calling services~~ services identify, report, or specify the jurisdiction within which the retail sale of such services occurred.

(i) A seller shall be permitted to deduct and retain 3 percent of prepaid wireless 9-1-1 charges that are collected by the seller from consumers.

(j) Prepaid wireless 9-1-1 charges remitted to the commissioner as provided in this Code section shall be distributed to counties, municipalities, and the State of Georgia as follows:

(1) On or before ~~the~~ December 31 of the year prior to the first year that the ~~fee~~ prepaid wireless 9-1-1 charge is imposed, each county and municipal corporation levying the ~~fee~~ prepaid wireless 9-1-1 charge, including counties and municipalities levying the ~~fee~~ prepaid wireless 9-1-1 charge that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, shall file with the commissioner a certified copy of the pertinent parts of all ordinances and resolutions and amendments thereto which levy the prepaid wireless 9-1-1 charge authorized by this Code section. The ordinance or resolution specified herein shall specify an effective date of January 1, 2012, and impose a ~~fee~~ prepaid wireless 9-1-1 charge in the amount specified in paragraph (1) of subsection (b) of this Code section. The filing required by this paragraph shall be a condition of the collection of the prepaid wireless 9-1-1 charge within any county or municipality~~.~~;

(2)(A) Each county or municipality operating a public safety answering point that has levied the prepaid wireless 9-1-1 charge authorized by this Code section and

complied with the filing requirement of paragraph (1) of this subsection shall receive an amount calculated by multiplying the total amount remitted to the commissioner during the 12 month period ending on June 30 times a fraction, the numerator of which is the population of the jurisdiction or jurisdictions operating the public safety answering point and the denominator of which is the total population of ~~the~~ this state. An amount calculated by multiplying the total amount remitted to the commissioner during the 12 month period ending on June 30 times a fraction, the numerator of which is the total population of any jurisdiction or jurisdictions operating public safety answering points that have not complied with the filing requirement of paragraph (1) of this subsection and the denominator of which is the total population of this state, shall be deposited as provided in paragraph (5) of this subsection.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the initial distribution shall be calculated using the total amount remitted to the commissioner during the six-month period beginning January 1, 2012, and ending June 30, 2012.

(C) For the purposes of this paragraph, population shall be measured by the United States decennial census of 2010 or any future such census plus any corrections or revisions contained in official statements by the United States Bureau of the Census made prior to the first day of September immediately preceding the distribution of the proceeds of such charges by the commissioner and any official census data received by the commissioner from the United States Bureau of the Census or its successor agency pertaining to any newly incorporated municipality. Such corrections, revisions, or additional data shall be certified to the commissioner by the Office of Planning and Budget on or before August 31 of each year~~.~~;

(3) Funds shall be distributed annually on or before October 15 of each year. Such distribution shall include any delinquent charges actually collected by the commissioner for a previous fiscal year which have not been previously distributed~~.~~;

(4) Prior to calculating the distributions to county and municipal governments as provided in this subsection, the commissioner shall subtract an amount, not to exceed 2 percent of remitted charges, to defray the cost of administering and distributing funds from the prepaid wireless 9-1-1 charge. Such amount shall be paid into the general fund of the state treasury~~.~~;

(5) Funds distributed to a county or municipality pursuant to this Code section shall be deposited and accounted for in a separate restricted revenue fund known as the Emergency Telephone System Fund, maintained by the local government pursuant to paragraph (2) of subsection (d) of Code Section 46-5-134. The commissioner shall deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code section, other than the funds received pursuant to paragraph (4) of this subsection, into the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title 45, the 'Budget Act.' It is the intention of the General Assembly, subject to the appropriation process, that an amount equal to the amount deposited into the general fund of the state treasury as provided in this paragraph be appropriated each

year to a program of state grants to counties and municipalities administered by the department for the purpose of supporting the operations of public safety answering points in the improvement of 9-1-1 service delivery. The department shall promulgate rules and regulations for the administration of the 9-1-1 grant program~~.~~; and

(6) Notwithstanding a county's or municipality's failure to comply with the filing requirement of paragraph (1) of this subsection prior to January 1, 2012, a county or municipality that subsequently meets such filing requirements prior to January 1 of any subsequent year shall become eligible to participate in the next succeeding distribution of proceeds pursuant to subparagraph (A) of paragraph (2) of this subsection.

(k)(1) No provider or seller of prepaid wireless ~~telecommunications~~ service shall be liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 9-1-1 or enhanced 9-1-1 service, or for identifying, or failing to identify, the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 9-1-1 or enhanced 9-1-1 service.

(2) No provider or seller of prepaid wireless ~~telecommunications~~ service shall be liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state in connection with any lawful investigation or other law enforcement activity by such law enforcement officer.

(3) In addition to the liability provisions of paragraphs (1) and (2) of this subsection, the provisions of Code Section 46-5-135 shall apply to sellers and providers of prepaid wireless ~~telecommunications~~ service.

(l) The prepaid wireless 9-1-1 charge authorized by this Code section shall be the only 9-1-1 funding obligation imposed with respect to prepaid wireless ~~telecommunications~~ service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency for 9-1-1 funding purposes upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless ~~telecommunications~~ service."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Representative Willard of the 49th moved that the House agree to the Senate substitute to HB 1049.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon

E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
N Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
N Coomer
Cooper
Y Crawford
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
N Hatfield
Y Heard
Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
N Horne
Houston
Y Howard
Hudson
Y Hugley
Jackson
Y Jacobs
E James
Y Jasperse
Jerguson
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Y Kaiser
Y Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
N Maddox, B
Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y McKillip
Meadows
N Mitchell
Morgan
Y Morris
Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Randall
Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Rynders
Y Scott, M
Y Scott, S
Y Sims, B
Y Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
N Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
N Taylor, D
Y Taylor, R
Y Taylor, T
N Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 147, nays 10.

The motion prevailed.

Representatives Hightower of the 68th, Houston of the 170th, Jackson of the 142nd, McBrayer of the 153rd, and Meadows of the 5th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 181. By Senators Bethel of the 54th and Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 1 of Title 16 and Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions for crimes and offenses and the Attorney General, respectively, so as prohibit contingent compensation under certain circumstances; to change provisions relating to the Attorney General's authorization to employ private

counsel; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House substitute to SB 181 LC 29 48475

by inserting after line 54 the following:

"(d) the provisions of this section shall not authorize the recovery of attorneys fees in any tort claim."

Representative Lindsey of the 54th moved that the House agree to the Senate amendment to the House substitute to SB 181.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Clark, J
Y Clark, V
Y Coleman
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Holt
N Horne
Y Houston
Y Howard
Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Jones, J
Y Jones, S
Y Jordan
Y Kaiser
Y Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Morgan
Morris
Y Mosby
Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Reece
Y Rice
Y Riley
Y Roberts
Y Setzler
Y Shaw
Sheldon
Y Sims, B
Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Thomas
Y Waites
Y Watson
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C

Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
N Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 158, nays 2.

The motion prevailed.

The Speaker assumed the Chair.

Representative Taylor of the 79th moved that the following Bill of the House be removed from the Supplemental Local Calendar and voted on separately:

HB 1113. By Representatives Henson of the 87th, Mosby of the 90th, Drenner of the 86th, Stephenson of the 92nd, Kendrick of the 94th and others:

A BILL to be entitled an Act to authorize the governing authority of DeKalb County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	N McCall	Y Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	N Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	N Morgan	Y Smith, K
N Baker	N Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	N Smyre
N Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
N Benton	Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	N Ehrhart	N Jackson	Y Nix	Y Stephens, R
Y Black	N England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	N Epps, C	E James	Y O'Neal	Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	N Johnson	Y Parrish	N Taylor, R
N Bryant	N Fludd	Y Jones, J	Parsons	Y Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	N Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch

Casas
Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
Crawford
N Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
N Heard
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Martin
Y Maxwell
Y Ramsey
N Randall
Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 100, nays 65.

The motion prevailed.

Representative Williams of the 89th moved that the House reconsider its action in removing HB 1113 from the Supplemental Local Calendar to be voted on separately.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
N Allison
E Amerson
E Anderson
Y Ashe
N Atwood
Y Baker
N Battles
Y Beasley-Teague
Y Bell
Y Benfield
N Benton
Y Beverly
N Black
N Braddock
N Brockway
Y Brooks
Y Bruce
N Bryant
Y Buckner
Y Burns
N Byrd
N Carson
N Carter
N Casas
Channell
N Cheokas
N Clark, J
N Clark, V
N Coleman
N Collins
N Davis
Y Dawkins-Haigler
N Dempsey
Y Dickerson
N Dickey
N Dickson
Y Dobbs
Y Dollar
Y Drenner
N Dudgeon
Y Dukes
N Dunahoo
N Dutton
N Ehrhart
N England
Y Epps, C
N Epps, J
Y Evans
Y Floyd
Y Fludd
Y Frazier
Y Fullerton
Y Gardner
N Geisinger
N Golick
Y Gordon
N Greene
N Hamilton
N Hanner
Y Harbin
N Harden, B
N Harden, M
Y Heckstall
N Hembree
Y Henson
N Hightower
N Hill
Y Holcomb
N Holmes
N Holt
N Horne
N Houston
Y Howard
Hudson
Y Hugley
Y Jackson
N Jacobs
E James
N Jasperse
N Jerguson
Y Johnson
N Jones, J
Y Jones, S
Y Jordan
Y Kaiser
Y Kendrick
E Kidd
N Kirby
N Knight
N Lane
N Lindsey
Y Long
Y Maddox, B
N Maddox, G
Y Mayo
N McBrayer
N McCall
N McKillip
N Meadows
Y Mitchell
Y Morgan
N Morris
Y Mosby
Y Murphy
N Neal, J
Y Neal, Y
N Nimmer
N Nix
Y Oliver
N O'Neal
N Pak
Y Parent
N Parrish
Parsons
N Peake
N Powell, A
N Powell, J
N Pruett
N Purcell
N Ramsey
Y Randall
Reece
N Rice
N Riley
N Roberts
Y Rogers, C
N Setzler
N Shaw
N Sheldon
N Sims, B
Y Sims, C
Y Smith, E
N Smith, K
N Smith, L
N Smith, R
N Smith, T
Y Smyre
N Spencer
Y Stephens, M
N Stephens, R
Y Stephenson
Talton
N Tankersley
N Taylor, D
Y Taylor, R
N Taylor, T
N Teasley
Y Thomas
Y Waites
N Watson
N Welch
N Weldon
Y Wilkerson
N Wilkinson
N Willard
Y Williams, A
N Williams, C
Y Williams, E

N Cooke	N Harrell	N Manning	N Rogers, T	E Williams, R
N Coomer	N Hatchett	Y Marin	N Rynders	N Williamson
N Cooper	N Hatfield	Martin	N Scott, M	N Yates
Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 64, nays 103.

The motion was lost.

By unanimous consent, the following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 905. By Representatives Setzler of the 35th, Golick of the 34th, Cooper of the 41st, Dollar of the 45th, Teasley of the 38th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), is amended by revising Sections 1 through 4 as follows:

"SECTION 1.

The Board of Commissioners of Cobb County which exists on January 1, 2013, is continued in existence but on and after such date, shall be constituted as provided in this Act. The Board of Commissioners of Cobb County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2013.

SECTION 2.

(a) Those members of the Board of Commissioners of Cobb County who are serving as such immediately prior to January 1, 2013, and any persons selected to fill a vacancy in any such office shall continue to serve as such until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after January 1, 2013, the Board of Commissioners of Cobb County shall consist of five members who shall be elected from commissioner districts described in subsection (b) of this section except for the chairperson who is elected at large as provided in Section 3.

(b) For purposes of electing members of the board of commissioners, other than the chairperson, Cobb County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: cobbcc-SenAmd-p1-2012 Plan Type: Loca1 Administrator: state User: bak'.

(c)(1) For the purposes of such plan:

(A) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(B) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(2) Any part of Cobb County which is not included in any district described in subsection (b) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(3) Any part of Cobb County which is described in subsection (b) of this section as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

SECTION 3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that office.

(b) In order to be elected as a member of the board from a commissioner district, a person must receive the number of votes cast as required by general law for that office in that district only. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

(c) The chairperson of the board may reside anywhere within Cobb County and, if elected, must receive the number of votes cast for that office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office or that office shall become vacant.

SECTION 4.

(a) The first members of the reconstituted Board of Commissioners of Cobb County shall be elected as provided in this subsection. The chairperson and the first members from Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday next following the first Monday in November, 2012. The chairperson and those members of the board elected thereto from Commissioner Districts 2 and 4 in November, 2012, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2016, and upon the election and qualification of their respective successors. The first members from Commissioner Districts 1 and 3 shall be elected at the general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 3 in November, 2014, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for

terms of office of four years each. Members of the board shall serve for the terms of office specified in this subsection and until their respective successors are elected and qualified.

(b) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(c) Commissioner Districts 1 through 4, as they exist immediately prior to January 1, 2013, shall continue to be designated as Commissioner Districts 1 through 4, respectively, but as newly described under this Act, and on and after January 1, 2013, members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this section."

SECTION 2.

The Board of Commissioners of Cobb County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, not later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

This section and Section 2 of this Act and those provisions of this Act necessary for the election of members of the Board of Commissioners of Cobb County in 2012 shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval. The remaining provisions of this Act shall become effective January 1, 2013.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Plan: cobbcc-SenAmd-p1-2012
Plan Type: Local
Administrator: state
User: bak

District 001
Cobb County
VTD: 067AC1A - ACWORTH 1A
030101:
2057 2058 2059 3017 3018 3019 3020 3021 3027 3028 3029 3030
3031 4000 4001 4002 4003 4004 4005 4008 4010 4013 4015 4016
030214:
2001 2002 2004 2005 2007 2011 2012 2013 2015 2016
VTD: 067AC1B - ACWORTH 1B
030101:

2001 2003 2004 2010 2022 2023 2024 2025 2026 2027 2033 2035
2037 2039 2040 2041 2042 2043 2044 2045
VTD: 067BG01 - BIG SHANTY 01
030228:
2026 2027 2040
030229:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1012
1015 1016 1018 1019 1020 1022 1023 1024 1025 1026 1027 1028
1029 1030 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046
1047 1050 1051 1053
030230:
1041 1044 1050 1051 1052 1053 1054 1055 1056 1070 1071 1072
1073 1074 1075 1076 1086 1091 1092 1093 2000 2003 2004 2005
2015 2017 2021 2022 2023 2029
030601:
1034 1035 3000 3001 3002 3003 3004 3005 3006 3010 3012 3089
VTD: 067CA01 - CHATTAHOOCHEE 01
030344:
2001 2002 2003 2007 2009 2010 2011
030345:
1013 1014 1020 1060
VTD: 067CH02 - CHEATHAM HILL 02
VTD: 067CH03 - CHEATHAM HILL 03
VTD: 067DI01 - DOBBINS 01
030344:
2004 2005 2008 2012 2013 2014 2017 2020 2021 2022 2023 2024
2025 2026 2027 2028 2029 2030 2031
030345:
1018 1035 1046 1047
030412:
2007 2009 2011 2012 3001 3002 3004 3007 3008 3009 3011 3012
3013 3015 3016 3017 3018 3019
030414:
1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1024 1027 1029 1030 2005
2009 2017 2018 2020 2021 2022 2027 2029 2030 2031 2032 2058
2059 2060 2061 2062 2063
030800:
2045 2046 2049 2057 3041 3043 3044 3046 3047 3048 3049 3052
031001:
2001 2002 2003 2005 2006 2008 2009 2010 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2027
2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039

2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051
2052 2053 2054 2055 2057 2058 2059 2060 2061 2062 2063 2064
2065 2077 2078 2087 2089 2098 2099 2100 2101
031108:
1000 1001 1002 1004 1007 1009 1012 1013 1015 1021 1024 1029
1033 1035 1036 1038 1039 1041 1043 1047 1050 2002 3008 3009
3013 3015 3025 3030 3032 3033 3034 3036 4005 4006 4011 4014
4015 4018 4019 4023
031113:
1005 1015 1016
031114:
2002 2005
VTD: 067DL01 - DOWELL 01
VTD: 067DU01 - DURHAM 01
VTD: 067EL01 - ELIZABETH 01
030506:
1088 1090 1091 1093 1094 1095 1096 1098 1102 1103 1107 1123
1125 1126 1127 1128 1129 1131 1132
030601:
1029 1030 1032 1033 1040 3007 3008 3009 3011 3013 3014 3015
3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027
3028 3029 3030 3031 3032 3033 3034 3035 3037 3041 3049 3050
3051 3052 3053 3054 3055 3056 3057 3063 3064 3065 3066 3067
3068 3069 3070 3072 3073 3077 3079 3082 3083 3085 3086 3088
3090
030602:
1000 1011 1014 2000 2001 2004 2005 2006 2007 2008 2009 2010
2011 2013 2028 2066 3001 3002 3003 3004 3005 3011
VTD: 067FO05 - FAIR OAKS 05
030902:
2026 2027 2028 2029 2034
031001:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1033 1035
VTD: 067FO06 - FAIR OAKS 06
030800:
3040 3045
030901:
1009 2002 2012 2014 2017 4015 4021 5001 5003 5005 5006 5017
5021 5022 5024 5025 5026 5031 5032 5033 5036 5037 5038 5040
030902:
1035 1036 1037 2000 2001 2002 2004 2005 2006 2008 2013 2014

2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2030
2031 2032 2035 2037 2038
030904:
1010 1012 1013 1014 1015 1018 1020 1022 2003 2005 2009 2012
2014 2015 2020 2023 2024 2025 2026 2027 2028 2030 3005 3006
3012 3013 3015 3016 3017 3018 3019 4007 4009 4011 4012
030905:
1000 1001 1006 2000 2001
031002:
1000 1001 1002 1003 1004 1005 1006 1012 1013 4000 4002 4004
4010 4011
VTD: 067FR01 - FORD 01
VTD: 067FY01 - FREY 01
VTD: 067HR01 - HARRISON 01
VTD: 067HY01 - HAYES 01
VTD: 067KE2A - KENNESAW 2A
030229:
1031 1032 1033 1035 1036 1048 1049 1052
030230:
1001 1007 1008 1009 1010 1011 1012 1013 1014 1016 1017 1020
1021 1022 1023 1024 1025 1039 1040 1042 1043 1045 1046 1047
1048 1049 1057 1058 1059 1060 1062 1063 1065 1066 1067 1068
1069 1079 1082 1083 1085 1098 2001 2002 2006 2007 2008 2009
2010 2011 2012 2013 2016 2018 2019 2020 2025 2027
VTD: 067KE2B - KENNESAW 2B
030214:
3000 3002 3009 3024 3025
030215:
1000 1004 1006 1007 1010 1011 1012 1014 1020 1021 1022 1024
1027 2000 2004 2009 2010 2011 2012 2014 2015 2016 2017 2018
2019 2027 2029 3000 3001 3002 3003 3004 3005 3006 3007 3008
3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 4000 4001
4002 4003 4004 4005 4007 4008 4009 4010 4011 4012 4013 4014
4019 4020 4021 4022 4023 4025 4026 4027 4031 4032 4034 4035
4039 4041 4042
030230:
1000 1002 1003 1006 1034 1036 1037 1038 1089 1090
VTD: 067KE5A - KENNESAW 5A
030215:
2001 2002 2003
VTD: 067KP01 - KEMP 01
VTD: 067KP02 - KEMP 02
VTD: 067KP03 - KEMP 03

VTD: 067LM01 - LOST MOUNTAIN 01
VTD: 067LM02 - LOST MOUNTAIN 02
VTD: 067LM03 - LOST MOUNTAIN 03
VTD: 067LM04 - LOST MOUNTAIN 04
VTD: 067LW01 - LEWIS 01
VTD: 067ML01 - MCCLURE 01
VTD: 067MR1A - MARIETTA 1A
030344:
2006 2015 2016 2018 2019 2032 2033
030345:
1007 1015 1016 1017 1019 1021 1043 1044 1045
030414:
1001 1002 1025 1026 1028 2001 2002 2003 2004 2008 2011 2012
2023 2033 2034 2038 2039 2045 2050 2051 2052 2053 2054 2055
2056 2057 2065
030800:
1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1027 1028
1029 1030 1031 1032 1033 1034 2020 2021 2023 2026 2032 2033
2034 2035 2039 2040 2041 2042 2043 2044 2047 2048 2050 2051
2052 2053 2054 3000 3001 3011 3012 3018 3019 3023 3025 3028
3029 3030 3042 3050 3051
031001:
2000 2004 2007 2026 2079 2080 2083 2084 2085 2086 2088 2090
2091 2092 2093 2094 2095 2096 2097
031113:
1000 1001 1002 1003 1004 1006 1007 1008 1009 1010 1011 1012
1013 1014
031114:
2000 2001 2009
VTD: 067MR2A - MARIETTA 2A
VTD: 067MR2B - MARIETTA 2B
030904:
2031 3000 3001 3002 3003 3004 3007 3008 3009 3010 3011 3014
4000 4001 4002 4003 4008 4013 4014 4015 4021 4022 4023
030905:
1002 1003 1005
031002:
4001 4003
VTD: 067MR2C - MARIETTA 2C
VTD: 067MR3A - MARIETTA 3A
VTD: 067MR4B - MARIETTA 4B
030230:

1080 2037 2038 2044 2045 2046 2047 2048 2049 2050 2055 2056
2057 2059 2063 2064 2065 2069 2071 2072 2073
030506:
1124 1130 1133
030601:
1039 3036 3038 3039 3040 3042 3043 3044 3045 3046 3047 3048
3059 3060 3061 3062 3071 3076 3078 3080 3081 3084 3087
030602:
1019 1028 1030 1044 1045 1046
030700:
1006 1007 1008 1014 1015 1016 1017 1018 1034 2000 2001 2002
2003 2004 2005
VTD: 067MR4C - MARIETTA 4C
VTD: 067MR4E - MARIETTA 4E
VTD: 067MR5A - MARIETTA 5A
VTD: 067MR5B - MARIETTA 5B
030502:
2042 2043 2044 2045 2046 2056 2057 2058
030504:
3000 3001 3002 3003 3004 3005 3008 3009
030506:
1089 1092 1097 1099 1100 1101 1104 1105 1106 1108 1113 1114
1115 1116 1117 1118 1119 1120 1121 1122 1134 1135 1136 1137
1138 1139
030602:
2012 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026 2027 2029 2030 2031 2032 2033 2034 2035 2036 2038
2039 2044 2045 2046 2047 3012 3013 3014 3015 3016 3017
030700:
1000 1001 1002 1003 1004 1005 1009 1010 1011 1012 1013 1019
1020 1021 1022 1023 1027 1028 1029 1030 1031 1032 2006 2007
2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 3000 3001
4005
VTD: 067MR6A - MARIETTA 6A
030411:
1000 2008 2011 2013 2014 2015 2016 2017 2018 2019 3000 3001
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
VTD: 067MR6C - MARIETTA 6C
030505:
4009 4010 4011 4012 4013 4014 4016 4017 4018 4019 4020 4028
4029 4030 4031 4032
030700:
4003 4013 4014 4031 4032

VTD: 067MR7A - MARIETTA 7A
030411:
1001 1002 1003 1004 1005 1006 1007 1008 1009 2000 2001 2002
2004 2005 2006 2007 2009 2010 2012
030412:
1000 1001 1002 1003 1004 1005 2000 2001 2002 2003 2004 2005
2006 2008 2010 2013 2014 2015 2016 2017 2018 2019 3000 3003
3005 3006 3010 3014 3020 3021 4000 4001 4002 4003
030414:
2006 2007 2010 2013 2014 2015 2016 2019 2024 2025 2026 2028
2035 2036 2037 2040 2041 2042 2043 2044 2046 2047 2048 2049
2064
030800:
1001 1002 1003 1026 1035 1036 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2022 2024 2025 2027 2028 2029 2030 2031 2036 2037 2038
2055 2056
VTD: 067MS01 - MARS HILL 01
VTD: 067MS02 - MARS HILL 02
030214:
2000 2003 2008 2009 2010 2014 2017 2018 2019 2020 2024 2025
2026 2027 2028 2029 2030 3001 3003 3004 3005 3006 3007 3008
3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021
3022 3023 3026 3027 3028 3029
030215:
2006 2007 2008 2028
VTD: 067OR01 - OREGON 01
VTD: 067OR03 - OREGON 03
030904:
4004 4005 4006 4010 4016 4017 4018 4019 4020
030905:
1004 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 2002
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016
VTD: 067OR05 - OREGON 05
VTD: 067PM01 - PINE MOUNTAIN 01
VTD: 067PM02 - PINE MOUNTAIN 02
030229:
1034
030230:
1015 1018 1019 1061 1064 1081 1084 1087 1088 1094 1095 1096
1097 1099 2014 2024 2026 2028 2030 2031 2032 2033 2034 2035
2036 2039 2040 2041 2042 2043 2051 2052 2053 2060 2061 2062

2066 2067 2068
030231:
4000 4001 4003 4004 4006 4007 4008 4009 4010 4011
030602:
1001 1004 1006 1007
VTD: 067RR01 - RED ROCK 01
VTD: 067SN2B - SMYRNA 2B
VTD: 067SN3A - SMYRNA 3A
031001:
2081 2082
031108:
1003 1005 1006 1008 1014 1016 1022 1023 1025 1026 1027 1030
1032 1034 1037 1040 1042 1044 1045 1046 1048 1049 2000 2001
2003 2004 2005 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016 2017 2018 2019 2020 2022 2023 2024 2025 3026 3027 3028
3029 4000 4001 4002 4003 4007 4009 4010 4012 4013 4016 4017
4020 4021 4022 4024
VTD: 067VA01 - VAUGHAN 01

District 002
Cobb County
VTD: 067BY01 - BRUMBY 01
VTD: 067CA01 - CHATTAHOOCHEE 01
030339:
1000 1001 1017 1018 1038 1039 1042 2001 2002 2003 2004 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041
030344:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 2000 3000 3001 3002 3003
3004 3005 3006
030345:
1000 1012 1052 2000 2001 2002 2003 2004 2005 2006 2007 3000
3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012
3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024
3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036
3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047 3048
3049 3050 3051
VTD: 067CR01 - CHESTNUT RIDGE
VTD: 067DC01 - DICKERSON 01
VTD: 067DI01 - DOBBINS 01

030339:
1003
030345:
1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1022 1023
1024 1025 1037 1042 1048 1049 1050 1051 1053 1054 1055 1056
1057 1058 1059 1061 1066
030413:
1017 1018
030414:
1022 1023
031207:
1000
031208:
1001 1002 1015 1023
VTD: 067DO01 - DODGEN 01
VTD: 067EA01 - EASTSIDE 01
VTD: 067EL04 - ELIZABETH 04
030504:
1002 1003 1004 1009 1010 1012 1013 1014 1015 1016 1017 1018
1019 1022 1024 1025 1026 1027 1030 1031 1032 1035 1036 4000
4001 4002 4003 4004
VTD: 067EL06 - ELIZABETH 06
VTD: 067EV01 - EAST VALLEY 01
VTD: 067FO05 - FAIR OAKS 05
031001:
1027 1028 1029 1030 1031 1032 1034 2066 2067 2068 2069 2070
2071 2072 2073 2074 2075 3000 3001 3002 3003 3004 3005 3006
3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018
3019 3020 3021 3022 3024 3025 3028
031108:
1020
VTD: 067FP01 - FULLERS PARK 01
VTD: 067LI01 - LINDLEY 01
031205:
1025 1026 1027 1028 1029 1030 1046 1047 1048 1052 1053 1054
031206:
2012 2013
031313:
2000 2001 2002 2003 2004 2025 2074 2075 2076 2077 2078 2079
VTD: 067MD01 - MURDOCK 01
VTD: 067MR1A - MARIETTA 1A
030405:
1033 1035 1036 1038 1039 1040 1041 1042 1043 1048 1049 1050

1051 1052 1054 1055 1056 1057 1058 1059 1060 2010 2013 2014
2015 2016 2017 2018 2019 2027 2028 2033 2035 3006 3007 3008
3010 3017 3018 3019 3020 3024 3025 3028 3031 3033 3034 3037
3038 3039 3044 3047 3048
030413:
1000 1001 1003 1004 1005 1006 1009 1010 1015 2000 2001 2002
2003 2005 2007 2016 3001 3008 3009 3010 3011 3031
030414:
1000 2000
VTD: 067MR6A - MARIETTA 6A
030405:
1000 1001 1003 1004 1005 1006 1007 1008 1009 1013 1014 1022
1023 1024 1027 1029 1030 1037 1053 4000 4047
030407:
2001 2003 2010
VTD: 067MR6B - MARIETTA 6B
030504:
1023 1028 1029 1033 1034 1037 1038 2036
030505:
1024 1025 1026 1027 2031 2033 4021
VTD: 067MR6C - MARIETTA 6C
030410:
1010 1012 1014 1015 1016 1023 1025 1026 2017 2018 2019 2020
2023 2024 2025 2026 2027 2028 2029 2030 2031
030504:
2010 2011 2021 2022 2026 2027 2028 2029 2030 2031 2032 2035
2037
030505:
1002 1005 1009 1010 1012 1013 1015 1016 1017 1018 1019 1021
1022 1023 2000 2001 2002 2003 2004 2005 2006 2012 2013 2021
3020 3022 3023 3027 3028 3029 3030 3032 3033
VTD: 067MR7A - MARIETTA 7A
030405:
4001 4002 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016
4018 4021 4023 4031 4032 4033 4034 4035 4036 4037 4038 4039
4040 4041 4042 4043 4044 4045 4046 4048 4049
030410:
1027 1028 1030 1032 1034 1035 1037 1039 1040 1045 1046
030505:
2008 2009 2014 2015 2017 2018 2019 2020 2022 2032 4022 4035
4036
VTD: 067MT01 - MT BETHEL 01
VTD: 067MT02 - MT BETHEL 02

VTD: 067MT03 - MT BETHEL 03
VTD: 067MT04 - MT BETHEL 04
VTD: 067NJ01 - NICKAJACK 01
031205:
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3018 3019 3020 3021 3022 3023 3024 3025 3026
3027 3028 3029
031206:
2000 2001 2002 2003 2004 2014 3000 3001 3002 3003 3004 3005
3006 3007 3008 3009 3010 3011 3012 3014 3015 3016 3017 3018
3019 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030
3031 3032 3034 3035 3036 3037 3042 3044 3045 3068 3069 3070
3071 3072 3073 3075 3076 3078 3079 3080 3081 3082 3083 3084
3090 3097 3098 3099
VTD: 067NP01 - NORTON PARK 01
031106:
2028
031115:
2002 2006 2009 2016 2031 2032 2033 2034 2037 2038 2040 2041
2042 2043 2044 2048 2049 2052 2053 2054
031117:
1001 1002 1003 1004 1005 1006 1008 1009 1012 1014 1016 1017
1018 1019 1021 1025 1026 1027 2025 2026
031118:
1002 1008 1009
VTD: 067OK01 - OAKDALE 01
031112:
2001 2002 2012 3015 3024
031118:
2004 2005 2006 2007 2011 2019 2024 2027 2028 2029 2030 3016
031206:
1002 1003 1004 1005 1006 1007 1012 1013 1014 1015 1016 1017
1018 1024 1025 1026 1027 1046 1047 1048 1049 1050 1052 1080
3013
031209:
1001 1002 1003 1004 1005 1007 1010 1011 1012 1015 1017 1018
1019 1020 1022 1023 1024 1026 1027 1030 1031 1032 1033 1034
1035 1037 1038 1040 1041 1042 1043 1044 1045 1046 1047 1048
1051 1052 1053 1054
VTD: 067PF01 - POWERS FERRY 01
VTD: 067RW01 - ROSWELL 01
VTD: 067RW02 - ROSWELL 02
VTD: 067SM01 - SEWELL MILL 01

VTD: 067SM03 - SEWELL MILL 03
VTD: 067SM04 - SEWELL MILL 04
VTD: 067SM05 - SEWELL MILL 05
VTD: 067SN1A - SMYRNA 1A
VTD: 067SN2A - SMYRNA 2A
VTD: 067SN3A - SMYRNA 3A
031101:
1019 1020 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
031108:
1010 1017 1018 1028 1031 2006 2021
031110:
1000 1001 1002 1003 1004 1010 1011 1012 1013 1014 1015 1019
1020 1021
031111:
1025 2001 2008 2012 2013 2014 2015 2016 2017 2018 2019 2020
2021 2022
VTD: 067SN4A - SMYRNA 4A
VTD: 067SN5A - SMYRNA 5A
031001:
2076 3023 3026 3027 3029
031101:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 3000 3001 3002 3003 3004
3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016
3017
031108:
1011 1019
031110:
1005 1006 1007 1008 1009 1016 1017 1018
VTD: 067SN6A - SMYRNA 6A
VTD: 067SN7A - SMYRNA 7A
VTD: 067SN7C - SMYRNA 7C
VTD: 067SO01 - SOPE CREEK 01
VTD: 067SO02 - SOPE CREEK 02
VTD: 067SO03 - SOPE CREEK 03
VTD: 067SP01 - SEDALIA PARK 01
VTD: 067TM01 - TERRELL MILL 01
VTD: 067TR01 - TIMBER RIDGE 01
VTD: 067TS01 - TEASLEY 01
VTD: 067VG01 - VININGS 01
VTD: 067VG02 - VININGS 02
VTD: 067VG03 - VININGS 03

VTD: 067VG04 - VININGS 04

District 003
Cobb County
VTD: 067AC1A - ACWORTH 1A
030103:
1001 1002 1003 1008 1015 1016 1017 1018 1019 1020 1021 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1036
1038 1040 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051
1055 1056 1057 1059 1060 1061 1062 2023 2041 2051 3000 3003
3004 3006 3008 3009 3010 3011 3012 3014 3016 3017 3019 3020
3022 3023 3024 3025 3026 3027 3031 3032 3033 3036 3038 3039
3040 3042 3044 3049 3051 3053 3057
030224:
1025 2011 2012 2013 2014 2016 2017 2018 2019 2021
VTD: 067AC1B - ACWORTH 1B
030101:
2028 2031 2032 2034 2061
030103:
1000 1004 1005 1006 1007 1009 1010 1011 1012 1013 1014 1022
1035 1037 1039 1041 2014 2015 2016 2021 2042 2043 2044 2048
2049
030104:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1011 1012
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
1025 1026 2000 2002 2004 2005 2007 2008 2009 2010 2011 2012
2013 2015 2017 2018 2019 2020 2022 2024 2026 2027 2028 2029
2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041
030106:
3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016
3017 3018 3019 3020 3026 3027 3028 3029
030107:
2014 2018
VTD: 067AC1C - ACWORTH 1C
VTD: 067AD01 - ADDISON 01
VTD: 067BF01 - BELLS FERRY 01
VTD: 067BF02 - BELLS FERRY 02
VTD: 067BF03 - BELLS FERRY 03
VTD: 067BG01 - BIG SHANTY 01
030227:
3006 3018 3019 3020 3021 3022 3023 3052 3054 3057 3060 3062
3063 3064 3065 3067 3068
030228:

1007 1008
030229:
2000 2001 2002 2003 2004 2005 2007 2012 2013 2014 2015 2016
2017 2018 2019 2020 2021 2024 2025 2027 2043 2044 2045 2046
2047 2048 2049 2050 2060 2065 2066 2067 2068 2072 2074 2075
2076 2077 2078 2079 2084 2092 2093
VTD: 067BG02 - BIG SHANTY 02
VTD: 067BK01 - BAKER 01
VTD: 067BW01 - BLACKWELL 01
VTD: 067CK01 - CHALKER 01
VTD: 067CK02 - CHALKER 02
VTD: 067DV01 - DAVIS 01
VTD: 067EC01 - EAST COBB 01
VTD: 067EL01 - ELIZABETH 01
030502:
2011 2019 2021 2023 2036 2037 2038
030506:
1027 1048 1049 1050 1055 1056 1058 1062 1064 1067 1068 1072
1073 1076 1077 1085 1087 1140 1141 1142 1143 1144 1146 1147
1149
030601:
1041
VTD: 067EL02 - ELIZABETH 02
VTD: 067EL03 - ELIZABETH 03
VTD: 067EL04 - ELIZABETH 04
030502:
1027 1029 1033 1039 2015 2022 2024 2025 2027 2029 2030 2031
2033 2047 2048 2049 2050 2051
030504:
2004 2007 2009 2012 2013 2014 2015 2016 2017 2018 2019 2020
2034 2038
VTD: 067EL05 - ELIZABETH 05
VTD: 067EP01 - EAST PIEDMONT 01
VTD: 067GM01 - GARRISON MILL 01
VTD: 067GT01 - GRITTERS 01
VTD: 067HT01 - HIGHTOWER 01
VTD: 067KE1A - KENNESAW 1A
VTD: 067KE2A - KENNESAW 2A
030227:
3037 3044
VTD: 067KE2B - KENNESAW 2B
030224:
2030 2031 2033 2034

030227:
3038 3039 3040 3045 3046 3047 3048 3049
VTD: 067KE3A - KENNESAW 3A
VTD: 067KE4A - KENNESAW 4A
VTD: 067KE5A - KENNESAW 5A
030103:
2050
030224:
1000 1002 1003 1005 1006 1007 1008 1009 1010 1011 1012 1013
1014 1015 1016 1017 1018 1019 1020 1021 1028 1031 2000 2001
2002 2003 2004 2005 2006 2007 2008
030226:
3011 3012 3013 3014 3015 3016 3017
VTD: 067KE5B - KENNESAW 5B
VTD: 067KL01 - KELL 01
VTD: 067KY01 - KEHELEY 01
VTD: 067LA01 - LASSITER 01
VTD: 067MB01 - MABRY 01
VTD: 067MK01 - MCCLESKEY 01
VTD: 067MR4B - MARIETTA 4B
030601:
1018 1020 1021 1022 1023 1024 1025 1026 1027 1042
VTD: 067MR5B - MARIETTA 5B
030502:
2028 2032 2034 2040 2041 2052 2053 2054
030504:
2023 2024 2033
030506:
1002 1032 1033 1034 1036 1037 1038 1039 1041 1042 1043 1044
1046 1047 1051 1052 1053 1079 1080 1081 1082 1083 1084 1086
1109 1110 1111 1112
VTD: 067MR6B - MARIETTA 6B
030502:
1016 1019 1020 1021 1023 1024 1025 1028 1030 1031 1032 1037
1038 2001 2002 2005 2008 2010
030504:
1020 1021 2000 2001 2002 2003 2005 2006 2008 2025
030507:
1042 1044 1052 1053 1054
VTD: 067MR6C - MARIETTA 6C
030502:
2006 2009 2012 2014 2017 2020 2026 2035 2039 2055
030506:

1025 1026 1054 1057 1063 1069 1070 1071 1074 1075 1078 1145
1148
030507:
1059 1060 1061 1064 1065 1066 1067 1068 1070 1071 1073 1074
VTD: 067MS02 - MARS HILL 02
030103:
3056
VTD: 067NC01 - NORTH COBB 01
VTD: 067NS01 - NICHOLSON 01
VTD: 067PM02 - PINE MOUNTAIN 02
030227:
3043
VTD: 067PO01 - POST OAK 01
VTD: 067PP01 - POPE 01
VTD: 067PR01 - PALMER 01
VTD: 067PT01 - PITNER 01
VTD: 067RM01 - ROCKY MOUNT 01
VTD: 067RM02 - ROCKY MOUNT 02
VTD: 067SA01 - SANDY PLAINS 01
VTD: 067SF01 - SHALLOWFORD FALLS
VTD: 067SI01 - SIMPSON 01
VTD: 067SY01 - SPRAYBERRY 01
VTD: 067TT01 - TRITT 01
VTD: 067WG01 - WADE GREEN 01
VTD: 067WG02 - WADE GREEN 02
VTD: 067WL01 - WILLEO 01

District 004
Cobb County
VTD: 067AU1A - AUSTELL 1A
VTD: 067BR01 - BIRNEY 01
VTD: 067BR02 - BIRNEY 02
VTD: 067BT01 - BRYANT 01
VTD: 067BT02 - BRYANT 02
VTD: 067CL01 - CLARKDALE 01
VTD: 067CL02 - CLARKDALE 02
VTD: 067CO01 - COOPER 01
VTD: 067FO01 - FAIR OAKS 01
VTD: 067FO02 - FAIR OAKS 02
VTD: 067FO03 - FAIR OAKS 03
VTD: 067FO04 - FAIR OAKS 04
VTD: 067FO06 - FAIR OAKS 06
031002:

3000
VTD: 067HL01 - HARMONY-LELAND
VTD: 067LI01 - LINDLEY 01
031206:
1092 1097 1098
031313:
1020 1024 1031 1032 1033 1035 1036 1037 1038 1039 1040 1041
1042 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054
2006 2007 2008 2009 2010 2011 2013 2014 2015 2016 2017 2019
2020 2021 2024 2026 2027 2028 2029 2030 2031 2032 2033 2034
2035 2036 2037 2038 2040 2041 2042 2043 2044 2045 2046 2047
2049 2050 2051 2052 2055 2056 2057 2060 2062 2064 2065 2066
2068 2069 2070 2071 2072 2081 2082 2083 2084 2085 2086 2087
VTD: 067MA01 - MABLETON 01
VTD: 067MA02 - MABLETON 02
VTD: 067MA03 - MABLETON 03
VTD: 067MA04 - MABLETON 04
VTD: 067MC01 - MACLAND 01
VTD: 067MC02 - MACLAND 02
VTD: 067ME01 - MCEACHERN 01
VTD: 067MR2B - MARIETTA 2B
031002:
4007 4008 4009
VTD: 067NJ01 - NICKAJACK 01
031206:
1040 1044
VTD: 067NP01 - NORTON PARK 01
031106:
2027
VTD: 067NP02 - NORTON PARK 02
VTD: 067OK01 - OAKDALE 01
031206:
1036 1037 1038 1065 1068 1074 1075 1099 1100 3056 3057 3059
3060 3062 3063 3093 3094 3095 3096
VTD: 067OR02 - OREGON 02
VTD: 067OR03 - OREGON 03
031002:
3003 3008 3009 3012 3014 4012 4013 4014 4015
VTD: 067OR04 - OREGON 04
VTD: 067OR06 - OREGON 06
VTD: 067PE01 - PEBBLEBROOK 01
VTD: 067PE02 - PEBBLEBROOK 02
VTD: 067PS1A - POWDER SPRINGS 1A

VTD: 067PS2A - POWDER SPRINGS 2A
VTD: 067PS3A - POWDER SPRINGS 3A
VTD: 067RS01 - RIVERSIDE 01
VTD: 067SN5A - SMYRNA 5A
031002:
1020 1038
031004:
1000 1001 1002 1004 1008
031115:
2007 2008 2010 2011 2012 2013 2014 2015 2017
031116:
1000 1001 1002 1003 1004 1005 1006 1007 1009 1010 1012 1013
1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032
1033 1037 1038 1039 1040 1041 1042 1043 1044 2001 2002 2003
2004 2015 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009
3010 3011 3012 3013 3014 3015 3017
VTD: 067SN7B - SMYRNA 7B
VTD: 067SW01 - SWEETWATER 01
VTD: 067SW02 - SWEETWATER 02
VTD: 067SW04 - SWEETWATER 04
VTD: 067SW05 - SWEETWATER 05

The following amendment was read and adopted:

Representative Setzler of the 35th et al. offer the following amendment:

Amend the Senate substitute to HB 905, as amended and adopted by the Senate, by replacing line 1 through the last line with the following:
To amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
An Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), is amended by revising Sections 1 through 4 as follows:

"SECTION 1.

The Board of Commissioners of Cobb County which exists on January 1, 2013, is continued in existence but on and after such date, shall be constituted as provided in this Act. The Board of Commissioners of Cobb County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2013.

SECTION 2.

(a) Those members of the Board of Commissioners of Cobb County who are serving as such immediately prior to January 1, 2013, and any persons selected to fill a vacancy in any such office shall continue to serve as such until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after January 1, 2013, the Board of Commissioners of Cobb County shall consist of five members who shall be elected from commissioner districts described in subsection (b) of this section except for the chairperson who is elected at large as provided in Section 3.

(b) For purposes of electing members of the board of commissioners, other than the chairperson, Cobb County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: cobbcc-sd021-p1-2012 Plan Type: Loca1 Administrator: cobbcc User: bak'.

(c)(1) For the purposes of such plan:

(A) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(B) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(2) Any part of Cobb County which is not included in any district described in subsection (b) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(3) Any part of Cobb County which is described in subsection (b) of this section as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the

least population according to the United States decennial census of 2010 for the State of Georgia.

SECTION 3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that office.

(b) In order to be elected as a member of the board from a commissioner district, a person must receive the number of votes cast as required by general law for that office in that district only. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

(c) The chairperson of the board may reside anywhere within Cobb County and, if elected, must receive the number of votes cast for that office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office or that office shall become vacant.

SECTION 4.

(a) The first members of the reconstituted Board of Commissioners of Cobb County shall be elected as provided in this subsection. The chairperson and the first members from Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday next following the first Monday in November, 2012. The chairperson and those members of the board elected thereto from Commissioner Districts 2 and 4 in November, 2012, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2016, and upon the election and qualification of their respective successors. The first members from Commissioner Districts 1 and 3 shall be elected at the general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 3 in November, 2014, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified in this subsection and until their respective successors are elected and qualified.

(b) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(c) Commissioner Districts 1 through 4, as they exist immediately prior to January 1, 2013, shall continue to be designated as Commissioner Districts 1 through 4, respectively, but as newly described under this Act, and on and after January 1, 2013, members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this section."

SECTION 2.

The Board of Commissioners of Cobb County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, not later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

This section and Section 2 of this Act and those provisions of this Act necessary for the election of members of the Board of Commissioners of Cobb County in 2012 shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval. The remaining provisions of this Act shall become effective January 1, 2013.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Plan: cobbcc-sd021-p1-2012
Plan Type: Local
Administrator: cobbcc
User: bak

District 001
Cobb County
VTD: 067AC1A - ACWORTH 1A
030101:
2057 2058 2059 3017 3018 3019 3020 3021 3027 3028 3029 3030
3031 4000 4001 4002 4003 4004 4005 4008 4010 4013 4015 4016
030214:
2001 2002 2004 2005 2007 2011 2012 2013 2015 2016
VTD: 067AC1B - ACWORTH 1B
030101:
2001 2003 2004 2010 2022 2023 2024 2025 2026 2027 2033 2035
2037 2039 2040 2041 2042 2043 2044 2045
VTD: 067BG01 - BIG SHANTY 01

030228:
2026 2027 2040
030229:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1012
1015 1016 1018 1019 1020 1022 1023 1024 1025 1026 1027 1028
1029 1030 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046
1047 1050 1051 1053
030230:
1041 1044 1050 1051 1052 1053 1054 1055 1056 1070 1071 1072
1073 1074 1075 1076 1086 1091 1092 1093 2000 2003 2004 2005
2015 2017 2021 2022 2023 2029
030601:
1034 1035 3000 3001 3002 3003 3004 3005 3006 3010 3012 3089
VTD: 067CA01 - CHATTAHOOCHEE 01
030344:
2001 2002 2003 2007 2009 2010 2011
030345:
1013 1014 1020 1060
VTD: 067CH02 - CHEATHAM HILL 02
VTD: 067CH03 - CHEATHAM HILL 03
VTD: 067DI01 - DOBBINS 01
030344:
2004 2005 2008 2012 2013 2014 2017 2020 2021 2022 2023 2024
2025 2026 2027 2028 2029 2030 2031
030345:
1018 1035 1046 1047
030412:
2007 2009 2011 2012 3001 3002 3004 3007 3008 3009 3011 3012
3013 3015 3016 3017 3018 3019
030414:
1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1024 1027 1029 1030 2005
2009 2017 2018 2020 2021 2022 2027 2029 2030 2031 2032 2058
2059 2060 2061 2062 2063
030800:
2045 2046 2049 2057 3041 3043 3044 3046 3047 3048 3049 3052
031001:
2001 2002 2003 2005 2006 2008 2009 2010 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2027
2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039
2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051
2052 2053 2054 2055 2057 2058 2059 2060 2061 2062 2063 2064
2065 2077 2078 2087 2089 2098 2099 2100 2101

031108:
1000 1001 1002 1004 1007 1009 1012 1013 1015 1021 1024 1029
1033 1035 1036 1038 1039 1041 1043 1047 1050 2002 3008 3009
3013 3015 3025 3030 3032 3033 3034 3036 4005 4006 4011 4014
4015 4018 4019 4023
031113:
1005 1015 1016
031114:
2002 2005
VTD: 067DL01 - DOWELL 01
VTD: 067DU01 - DURHAM 01
VTD: 067EL01 - ELIZABETH 01
030506:
1088 1090 1091 1093 1094 1095 1096 1098 1102 1103 1107 1123
1125 1126 1127 1128 1129 1131 1132
030601:
1029 1030 1032 1033 1040 3007 3008 3009 3011 3013 3014 3015
3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027
3028 3029 3030 3031 3032 3033 3034 3035 3037 3041 3049 3050
3051 3052 3053 3054 3055 3056 3057 3063 3064 3065 3066 3067
3068 3069 3070 3072 3073 3077 3079 3082 3083 3085 3086 3088
3090
030602:
1000 1011 1014 2000 2001 2004 2005 2006 2007 2008 2009 2010
2011 2013 2028 2066 3001 3002 3003 3004 3005 3011
VTD: 067FO05 - FAIR OAKS 05
030902:
2026 2027 2028 2029 2034
031001:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1033 1035
VTD: 067FO06 - FAIR OAKS 06
030800:
3040 3045
030901:
1009 2002 2012 2014 2017 4015 4021 5001 5003 5005 5006 5017
5021 5022 5024 5025 5026 5031 5032 5033 5036 5037 5038 5040
030902:
1035 1036 1037 2000 2001 2002 2004 2005 2006 2008 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2030
2031 2032 2035 2037 2038
030904:

1010 1012 1013 1014 1015 1018 1020 1022 2003 2005 2009 2012
2014 2015 2020 2023 2024 2025 2026 2027 2028 2030 3005 3006
3012 3013 3015 3016 3017 3018 3019 4007 4009 4011 4012
030905:
1000 1001 1006 2000 2001
031002:
1000 1001 1002 1003 1004 1005 1006 1012 1013 4000 4002 4004
4010 4011
VTD: 067FR01 - FORD 01
VTD: 067FY01 - FREY 01
VTD: 067HR01 - HARRISON 01
VTD: 067HY01 - HAYES 01
VTD: 067KE2A - KENNESAW 2A
030229:
1031 1032 1033 1035 1036 1048 1049 1052
030230:
1001 1007 1008 1009 1010 1011 1012 1013 1014 1016 1017 1020
1021 1022 1023 1024 1025 1039 1040 1042 1043 1045 1046 1047
1048 1049 1057 1058 1059 1060 1062 1063 1065 1066 1067 1068
1069 1079 1082 1083 1085 1098 2001 2002 2006 2007 2008 2009
2010 2011 2012 2013 2016 2018 2019 2020 2025 2027
VTD: 067KE2B - KENNESAW 2B
030214:
3000 3002 3009 3024 3025
030215:
1000 1004 1006 1007 1010 1011 1012 1014 1020 1021 1022 1024
1027 2000 2004 2009 2010 2011 2012 2014 2015 2016 2017 2018
2019 2027 2029 3000 3001 3002 3003 3004 3005 3006 3007 3008
3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 4000 4001
4002 4003 4004 4005 4007 4008 4009 4010 4011 4012 4013 4014
4019 4020 4021 4022 4023 4025 4026 4027 4031 4032 4034 4035
4039 4041 4042
030230:
1000 1002 1003 1006 1034 1036 1037 1038 1089 1090
VTD: 067KE5A - KENNESAW 5A
030215:
2001 2002 2003
VTD: 067KP01 - KEMP 01
VTD: 067KP02 - KEMP 02
VTD: 067KP03 - KEMP 03
VTD: 067LM01 - LOST MOUNTAIN 01
VTD: 067LM02 - LOST MOUNTAIN 02
VTD: 067LM03 - LOST MOUNTAIN 03

VTD: 067LM04 - LOST MOUNTAIN 04
VTD: 067LW01 - LEWIS 01
VTD: 067ML01 - MCCLURE 01
VTD: 067MR1A - MARIETTA 1A
030344:
2006 2015 2016 2018 2019 2032 2033
030345:
1007 1015 1016 1017 1019 1021 1043 1044 1045
030414:
1001 1002 1025 1026 1028 2001 2002 2003 2004 2008 2011 2012
2023 2033 2034 2038 2039 2045 2050 2051 2052 2053 2054 2055
2056 2057 2065
030800:
1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1027 1028
1029 1030 1031 1032 1033 1034 2020 2021 2023 2026 2032 2033
2034 2035 2039 2040 2041 2042 2043 2044 2047 2048 2050 2051
2052 2053 2054 3000 3001 3011 3012 3018 3019 3023 3025 3028
3029 3030 3042 3050 3051
031001:
2000 2004 2007 2026 2079 2080 2083 2084 2085 2086 2088 2090
2091 2092 2093 2094 2095 2096 2097
031113:
1000 1001 1002 1003 1004 1006 1007 1008 1009 1010 1011 1012
1013 1014
031114:
2000 2001 2009
VTD: 067MR2A - MARIETTA 2A
VTD: 067MR2B - MARIETTA 2B
030904:
2031 3000 3001 3002 3003 3004 3007 3008 3009 3010 3011 3014
4000 4001 4002 4003 4008 4013 4014 4015 4021 4022 4023
030905:
1002 1003 1005
031002:
4001 4003
VTD: 067MR2C - MARIETTA 2C
VTD: 067MR3A - MARIETTA 3A
VTD: 067MR4B - MARIETTA 4B
030230:
1080 2037 2038 2044 2045 2046 2047 2048 2049 2050 2055 2056
2057 2059 2063 2064 2065 2069 2071 2072 2073
030506:

1124 1130 1133
030601:
1039 3036 3038 3039 3040 3042 3043 3044 3045 3046 3047 3048
3059 3060 3061 3062 3071 3076 3078 3080 3081 3084 3087
030602:
1019 1028 1030 1044 1045 1046
030700:
1006 1007 1008 1014 1015 1016 1017 1018 1034 2000 2001 2002
2003 2004 2005
VTD: 067MR4C - MARIETTA 4C
VTD: 067MR4E - MARIETTA 4E
VTD: 067MR5A - MARIETTA 5A
VTD: 067MR5B - MARIETTA 5B
030502:
2042 2043 2044 2045 2046 2056 2057 2058
030504:
3000 3001 3002 3003 3004 3005 3008 3009
030506:
1089 1092 1097 1099 1100 1101 1104 1105 1106 1108 1113 1114
1115 1116 1117 1118 1119 1120 1121 1122 1134 1135 1136 1137
1138 1139
030602:
2012 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026 2027 2029 2030 2031 2032 2033 2034 2035 2036 2038
2039 2044 2045 2046 2047 3012 3013 3014 3015 3016 3017
030700:
1000 1001 1002 1003 1004 1005 1009 1010 1011 1012 1013 1019
1020 1021 1022 1023 1027 1028 1029 1030 1031 1032 2006 2007
2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 3000 3001
4005
VTD: 067MR6A - MARIETTA 6A
030411:
1000 2008 2011 2013 2014 2015 2016 2017 2018 2019 3000 3001
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
VTD: 067MR6C - MARIETTA 6C
030505:
4009 4010 4011 4012 4013 4014 4016 4017 4018 4019 4020 4028
4029 4030 4031 4032
030700:
4003 4013 4014 4031 4032
VTD: 067MR7A - MARIETTA 7A
030411:
1001 1002 1003 1004 1005 1006 1007 1008 1009 2000 2001 2002

2004 2005 2006 2007 2009 2010 2012
030412:
1000 1001 1002 1003 1004 1005 2000 2001 2002 2003 2004 2005
2006 2008 2010 2013 2014 2015 2016 2017 2018 2019 3000 3003
3005 3006 3010 3014 3020 3021 4000 4001 4002 4003
030414:
2006 2007 2010 2013 2014 2015 2016 2019 2024 2025 2026 2028
2035 2036 2037 2040 2041 2042 2043 2044 2046 2047 2048 2049
2064
030800:
1001 1002 1003 1026 1035 1036 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2022 2024 2025 2027 2028 2029 2030 2031 2036 2037 2038
2055 2056
VTD: 067MS01 - MARS HILL 01
VTD: 067MS02 - MARS HILL 02
030214:
2000 2003 2008 2009 2010 2014 2017 2018 2019 2020 2024 2025
2026 2027 2028 2029 2030 3001 3003 3004 3005 3006 3007 3008
3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021
3022 3023 3026 3027 3028 3029
030215:
2006 2007 2008 2028
VTD: 067OR01 - OREGON 01
VTD: 067OR03 - OREGON 03
030904:
4004 4005 4006 4010 4016 4017 4018 4019 4020
030905:
1004 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 2002
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016
VTD: 067OR05 - OREGON 05
VTD: 067PM01 - PINE MOUNTAIN 01
VTD: 067PM02 - PINE MOUNTAIN 02
030229:
1034
030230:
1015 1018 1019 1061 1064 1081 1084 1087 1088 1094 1095 1096
1097 1099 2014 2024 2026 2028 2030 2031 2032 2033 2034 2035
2036 2039 2040 2041 2042 2043 2051 2052 2053 2060 2061 2062
2066 2067 2068
030231:
4000 4001 4003 4004 4006 4007 4008 4009 4010 4011

030602:
1001 1004 1006 1007
VTD: 067RR01 - RED ROCK 01
VTD: 067SN2B - SMYRNA 2B
VTD: 067SN3A - SMYRNA 3A
031001:
2081 2082
031108:
1003 1005 1006 1008 1014 1016 1022 1023 1025 1026 1027 1030
1032 1034 1037 1040 1042 1044 1045 1046 1048 1049 2000 2001
2003 2004 2005 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016 2017 2018 2019 2020 2022 2023 2024 2025 3026 3027 3028
3029 4000 4001 4002 4003 4007 4009 4010 4012 4013 4016 4017
4020 4021 4022 4024
VTD: 067VA01 - VAUGHAN 01

District 002
Cobb County
VTD: 067BY01 - BRUMBY 01
VTD: 067CA01 - CHATTAHOOCHEE 01
030339:
1000 1001 1017 1018 1038 1039 1042 2001 2002 2003 2004 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041
030344:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 2000 3000 3001 3002 3003
3004 3005 3006
030345:
1000 1012 1052 2000 2001 2002 2003 2004 2005 2006 2007 3000
3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012
3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024
3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036
3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047 3048
3049 3050 3051
VTD: 067CR01 - CHESTNUT RIDGE
VTD: 067DC01 - DICKERSON 01
VTD: 067DI01 - DOBBINS 01
030339:
1003
030345:

1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1022 1023
1024 1025 1037 1042 1048 1049 1050 1051 1053 1054 1055 1056
1057 1058 1059 1061 1066
030413:
1017 1018
030414:
1022 1023
031207:
1000
031208:
1001 1002 1015 1023
VTD: 067DO01 - DODGEN 01
VTD: 067EA01 - EASTSIDE 01
VTD: 067EL04 - ELIZABETH 04
030504:
1002 1003 1004 1009 1010 1012 1013 1014 1015 1016 1017 1018
1019 1022 1024 1025 1026 1027 1030 1031 1032 1035 1036 4000
4001 4002 4003 4004
VTD: 067EL06 - ELIZABETH 06
VTD: 067EV01 - EAST VALLEY 01
VTD: 067FP01 - FULLERS PARK 01
VTD: 067LI01 - LINDLEY 01
031205:
1025 1026 1027 1028 1029 1030 1046 1047 1048 1052 1053 1054
031206:
1092 1097 1098 2012 2013
031313:
1020 1024 1031 1033 1037 1038 2000 2001 2002 2003 2004 2074
2075 2076 2077 2078 2079
VTD: 067MA03 - MABLETON 03
031307:
1018
031313:
1016 1025 1026 1029 1030
VTD: 067MA04 - MABLETON 04
031206:
1056 1082
031307:
1000 1003 1006 3005 3007 3008 3009 3010 3011 3012 3033 3037
3040 3044 3046 3048 3049 3050 3051 3052 3053 3054 3055 3057
3058
VTD: 067MD01 - MURDOCK 01
VTD: 067MR1A - MARIETTA 1A

030405:
1033 1035 1036 1038 1039 1040 1041 1042 1043 1048 1049 1050
1051 1052 1054 1055 1056 1057 1058 1059 1060 2010 2013 2014
2015 2016 2017 2018 2019 2027 2028 2033 2035 3006 3007 3008
3010 3017 3018 3019 3020 3024 3025 3028 3031 3033 3034 3037
3038 3039 3044 3047 3048
030413:
1000 1001 1003 1004 1005 1006 1009 1010 1015 2000 2001 2002
2003 2005 2007 2016 3001 3008 3009 3010 3011 3031
030414:
1000 2000
VTD: 067MR6A - MARIETTA 6A
030405:
1000 1001 1003 1004 1005 1006 1007 1008 1009 1013 1014 1022
1023 1024 1027 1029 1030 1037 1053 4000 4047
030407:
2001 2003 2010
VTD: 067MR6B - MARIETTA 6B
030504:
1023 1028 1029 1033 1034 1037 1038 2036
030505:
1024 1025 1026 1027 2031 2033 4021
VTD: 067MR6C - MARIETTA 6C
030410:
1010 1012 1014 1015 1016 1023 1025 1026 2017 2018 2019 2020
2023 2024 2025 2026 2027 2028 2029 2030 2031
030504:
2010 2011 2021 2022 2026 2027 2028 2029 2030 2031 2032 2035
2037
030505:
1002 1005 1009 1010 1012 1013 1015 1016 1017 1018 1019 1021
1022 1023 2000 2001 2002 2003 2004 2005 2006 2012 2013 2021
3020 3022 3023 3027 3028 3029 3030 3032 3033
VTD: 067MR7A - MARIETTA 7A
030405:
4001 4002 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016
4018 4021 4023 4031 4032 4033 4034 4035 4036 4037 4038 4039
4040 4041 4042 4043 4044 4045 4046 4048 4049
030410:
1027 1028 1030 1032 1034 1035 1037 1039 1040 1045 1046
030505:
2008 2009 2014 2015 2017 2018 2019 2020 2022 2032 4022 4035
4036

VTD: 067MT01 - MT BETHEL 01
VTD: 067MT02 - MT BETHEL 02
VTD: 067MT03 - MT BETHEL 03
VTD: 067MT04 - MT BETHEL 04
VTD: 067NJ01 - NICKAJACK 01
VTD: 067NP01 - NORTON PARK 01
VTD: 067OK01 - OAKDALE 01
VTD: 067PF01 - POWERS FERRY 01
VTD: 067RW01 - ROSWELL 01
VTD: 067RW02 - ROSWELL 02
VTD: 067SM01 - SEWELL MILL 01
VTD: 067SM03 - SEWELL MILL 03
VTD: 067SM04 - SEWELL MILL 04
VTD: 067SM05 - SEWELL MILL 05
VTD: 067SN1A - SMYRNA 1A
VTD: 067SN2A - SMYRNA 2A
VTD: 067SN3A - SMYRNA 3A
031110:
1000 1001 1002 1003 1004 1010 1011 1012 1013 1014 1015 1019 1020 1021
031111:
1025 2001 2008 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
VTD: 067SN4A - SMYRNA 4A
VTD: 067SN6A - SMYRNA 6A
VTD: 067SN7A - SMYRNA 7A
VTD: 067SN7B - SMYRNA 7B
031118:
2008 2009 2010 2025 2026
031206:
1022 1023 1030 1031 1032 1033 1034 1035 1039 1041 1042 1043 1045 1051 1053 1054 1055 1057 1058 1059 1060 1061 1062 1063 1064 1066 1067 1069 1070 1071 1072 1073 1076 1077 1078 1079 1081 1083 1084 1085 1086 1087 1088 1089 1090 1091 1093 1094 1095 1096 2005 2006 2007 2008 2009 2010 2011 2015 3043 3046 3047 3048 3054 3055 3058 3061 3064 3065 3066 3067 3074 3077 3085 3086 3087 3088 3089 3091 3092 3100 3101
031307:
1001 1002 1004 1005 1007 1008 1009 1011 1013 1014 1015 1016 1017 1022 1026 3035 3036 3038 3039 3041 3042 3043 3045 3047 3056 3059
031313:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1012 1013 1014 1015 1017 1018 1019 1021 1022 1023 1027 1034
2005
VTD: 067SN7C - SMYRNA 7C
VTD: 067SO01 - SOPE CREEK 01
VTD: 067SO02 - SOPE CREEK 02
VTD: 067SO03 - SOPE CREEK 03
VTD: 067SP01 - SEDALIA PARK 01
VTD: 067TM01 - TERRELL MILL 01
VTD: 067TR01 - TIMBER RIDGE 01
VTD: 067TS01 - TEASLEY 01
VTD: 067VG01 - VININGS 01
VTD: 067VG02 - VININGS 02
VTD: 067VG03 - VININGS 03
VTD: 067VG04 - VININGS 04

District 003
Cobb County
VTD: 067AC1A - ACWORTH 1A
030103:
1001 1002 1003 1008 1015 1016 1017 1018 1019 1020 1021 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1036
1038 1040 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051
1055 1056 1057 1059 1060 1061 1062 2023 2041 2051 3000 3003
3004 3006 3008 3009 3010 3011 3012 3014 3016 3017 3019 3020
3022 3023 3024 3025 3026 3027 3031 3032 3033 3036 3038 3039
3040 3042 3044 3049 3051 3053 3057
030224:
1025 2011 2012 2013 2014 2016 2017 2018 2019 2021
VTD: 067AC1B - ACWORTH 1B
030101:
2028 2031 2032 2034 2061
030103:
1000 1004 1005 1006 1007 1009 1010 1011 1012 1013 1014 1022
1035 1037 1039 1041 2014 2015 2016 2021 2042 2043 2044 2048
2049
030104:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1011 1012
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
1025 1026 2000 2002 2004 2005 2007 2008 2009 2010 2011 2012
2013 2015 2017 2018 2019 2020 2022 2024 2026 2027 2028 2029
2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041
030106:
3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016

3017 3018 3019 3020 3026 3027 3028 3029
030107:
2014 2018
VTD: 067AC1C - ACWORTH 1C
VTD: 067AD01 - ADDISON 01
VTD: 067BF01 - BELLS FERRY 01
VTD: 067BF02 - BELLS FERRY 02
VTD: 067BF03 - BELLS FERRY 03
VTD: 067BG01 - BIG SHANTY 01
030227:
3006 3018 3019 3020 3021 3022 3023 3052 3054 3057 3060 3062 3063 3064 3065 3067 3068
030228:
1007 1008
030229:
2000 2001 2002 2003 2004 2005 2007 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2024 2025 2027 2043 2044 2045 2046 2047 2048 2049 2050 2060 2065 2066 2067 2068 2072 2074 2075 2076 2077 2078 2079 2084 2092 2093
VTD: 067BG02 - BIG SHANTY 02
VTD: 067BK01 - BAKER 01
VTD: 067BW01 - BLACKWELL 01
VTD: 067CK01 - CHALKER 01
VTD: 067CK02 - CHALKER 02
VTD: 067DV01 - DAVIS 01
VTD: 067EC01 - EAST COBB 01
VTD: 067EL01 - ELIZABETH 01
030502:
2011 2019 2021 2023 2036 2037 2038
030506:
1027 1048 1049 1050 1055 1056 1058 1062 1064 1067 1068 1072 1073 1076 1077 1085 1087 1140 1141 1142 1143 1144 1146 1147 1149
030601:
1041
VTD: 067EL02 - ELIZABETH 02
VTD: 067EL03 - ELIZABETH 03
VTD: 067EL04 - ELIZABETH 04
030502:
1027 1029 1033 1039 2015 2022 2024 2025 2027 2029 2030 2031 2033 2047 2048 2049 2050 2051
030504:
2004 2007 2009 2012 2013 2014 2015 2016 2017 2018 2019 2020

2034 2038
VTD: 067EL05 - ELIZABETH 05
VTD: 067EP01 - EAST PIEDMONT 01
VTD: 067GM01 - GARRISON MILL 01
VTD: 067GT01 - GRITTERS 01
VTD: 067HT01 - HIGHTOWER 01
VTD: 067KE1A - KENNESAW 1A
VTD: 067KE2A - KENNESAW 2A
030227:
3037 3044
VTD: 067KE2B - KENNESAW 2B
030224:
2030 2031 2033 2034
030227:
3038 3039 3040 3045 3046 3047 3048 3049
VTD: 067KE3A - KENNESAW 3A
VTD: 067KE4A - KENNESAW 4A
VTD: 067KE5A - KENNESAW 5A
030103:
2050
030224:
1000 1002 1003 1005 1006 1007 1008 1009 1010 1011 1012 1013
1014 1015 1016 1017 1018 1019 1020 1021 1028 1031 2000 2001
2002 2003 2004 2005 2006 2007 2008
030226:
3011 3012 3013 3014 3015 3016 3017
VTD: 067KE5B - KENNESAW 5B
VTD: 067KL01 - KELL 01
VTD: 067KY01 - KEHELEY 01
VTD: 067LA01 - LASSITER 01
VTD: 067MB01 - MABRY 01
VTD: 067MK01 - MCCLESKEY 01
VTD: 067MR4B - MARIETTA 4B
030601:
1018 1020 1021 1022 1023 1024 1025 1026 1027 1042
VTD: 067MR5B - MARIETTA 5B
030502:
2028 2032 2034 2040 2041 2052 2053 2054
030504:
2023 2024 2033
030506:
1002 1032 1033 1034 1036 1037 1038 1039 1041 1042 1043 1044
1046 1047 1051 1052 1053 1079 1080 1081 1082 1083 1084 1086

1109 1110 1111 1112
VTD: 067MR6B - MARIETTA 6B
030502:
1016 1019 1020 1021 1023 1024 1025 1028 1030 1031 1032 1037
1038 2001 2002 2005 2008 2010
030504:
1020 1021 2000 2001 2002 2003 2005 2006 2008 2025
030507:
1042 1044 1052 1053 1054
VTD: 067MR6C - MARIETTA 6C
030502:
2006 2009 2012 2014 2017 2020 2026 2035 2039 2055
030506:
1025 1026 1054 1057 1063 1069 1070 1071 1074 1075 1078 1145
1148
030507:
1059 1060 1061 1064 1065 1066 1067 1068 1070 1071 1073 1074
VTD: 067MS02 - MARS HILL 02
030103:
3056
VTD: 067NC01 - NORTH COBB 01
VTD: 067NS01 - NICHOLSON 01
VTD: 067PM02 - PINE MOUNTAIN 02
030227:
3043
VTD: 067PO01 - POST OAK 01
VTD: 067PP01 - POPE 01
VTD: 067PR01 - PALMER 01
VTD: 067PT01 - PITNER 01
VTD: 067RM01 - ROCKY MOUNT 01
VTD: 067RM02 - ROCKY MOUNT 02
VTD: 067SA01 - SANDY PLAINS 01
VTD: 067SF01 - SHALLOWFORD FALLS
VTD: 067SI01 - SIMPSON 01
VTD: 067SY01 - SPRAYBERRY 01
VTD: 067TT01 - TRITT 01
VTD: 067WG01 - WADE GREEN 01
VTD: 067WG02 - WADE GREEN 02
VTD: 067WL01 - WILLEO 01

District 004
Cobb County
VTD: 067AU1A - AUSTELL 1A

VTD: 067BR01 - BIRNEY 01
VTD: 067BR02 - BIRNEY 02
VTD: 067BT01 - BRYANT 01
VTD: 067BT02 - BRYANT 02
VTD: 067CL01 - CLARKDALE 01
VTD: 067CL02 - CLARKDALE 02
VTD: 067CO01 - COOPER 01
VTD: 067FO01 - FAIR OAKS 01
VTD: 067FO02 - FAIR OAKS 02
VTD: 067FO03 - FAIR OAKS 03
VTD: 067FO04 - FAIR OAKS 04
VTD: 067FO05 - FAIR OAKS 05
031001:
1027 1028 1029 1030 1031 1032 1034 2066 2067 2068 2069 2070
2071 2072 2073 2074 2075 3000 3001 3002 3003 3004 3005 3006
3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018
3019 3020 3021 3022 3024 3025 3028
031108:
1020
VTD: 067FO06 - FAIR OAKS 06
031002:
3000
VTD: 067HL01 - HARMONY-LELAND
VTD: 067LI01 - LINDLEY 01
031313:
1032 1035 1036 1039 1040 1041 1042 1044 1045 1046 1047 1048
1049 1050 1051 1052 1053 1054 2006 2007 2008 2009 2010 2011
2013 2014 2015 2016 2017 2019 2020 2021 2024 2025 2026 2027
2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2040
2041 2042 2043 2044 2045 2046 2047 2049 2050 2051 2052 2055
2056 2057 2060 2062 2064 2065 2066 2068 2069 2070 2071 2072
2081 2082 2083 2084 2085 2086 2087
VTD: 067MA01 - MABLETON 01
VTD: 067MA02 - MABLETON 02
VTD: 067MA03 - MABLETON 03
031307:
1010 1012 1019 1020 1021 1023 1024 1025 1027 1028 1029 1030
1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042
1043 1044 1045 1046 1047 1048 2000 2001 2002 2003 2004 2005
2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017
2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029
2030 2031 2032 2033 2034 2035 2036 2037
031313:

1028 1043
VTD: 067MA04 - MABLETON 04
031307:
3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024
3025 3026 3027 3028 3029 3030 3031 3032
VTD: 067MC01 - MACLAND 01
VTD: 067MC02 - MACLAND 02
VTD: 067ME01 - MCEACHERN 01
VTD: 067MR2B - MARIETTA 2B
031002:
4007 4008 4009
VTD: 067NP02 - NORTON PARK 02
VTD: 067OR02 - OREGON 02
VTD: 067OR03 - OREGON 03
031002:
3003 3008 3009 3012 3014 4012 4013 4014 4015
VTD: 067OR04 - OREGON 04
VTD: 067OR06 - OREGON 06
VTD: 067PE01 - PEBBLEBROOK 01
VTD: 067PE02 - PEBBLEBROOK 02
VTD: 067PS1A - POWDER SPRINGS 1A
VTD: 067PS2A - POWDER SPRINGS 2A
VTD: 067PS3A - POWDER SPRINGS 3A
VTD: 067RS01 - RIVERSIDE 01
VTD: 067SN3A - SMYRNA 3A
031101:
1019 1020 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
031108:
1010 1017 1018 1028 1031 2006 2021
VTD: 067SN5A - SMYRNA 5A
VTD: 067SN7B - SMYRNA 7B
031313:
2012 2018 2022 2023 2039 2048 2053 2054 2058 2059 2061 2063
2067 2073 2080 2088
VTD: 067SW01 - SWEETWATER 01
VTD: 067SW02 - SWEETWATER 02
VTD: 067SW04 - SWEETWATER 04
VTD: 067SW05 - SWEETWATER 05

HB 1208. By Representatives Ehrhart of the 36th, Dollar of the 45th, Carson of the 43rd, Parsons of the 42nd, Golick of the 34th and others:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3728), so as to change the description of the education districts of such board; to provide for definitions and inclusions; to provide for qualifications, compensation, and chairpersons and vice chairpersons; to provide for elections; to provide for terms; to provide for submissions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3728), so as to change the description of the education districts of such board; to provide for definitions and inclusions; to provide for qualifications, compensation, and chairpersons and vice chairpersons; to provide for elections; to provide for terms; to provide for submissions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3728), is amended by revising subsections (a), (b), and (c) of Section 2 to read as follows:

"SECTION 2.

(a)(1) For the purpose of electing members of the Board of Education of Cobb County, the Cobb County School District is divided into seven education districts. The seven education districts shall be composed of and correspond to those seven numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: cobbsb-SenAmd-p3-2012 Plan Type: Local Administrator: CobbSB User: bak'.

(2)(A) When used in such attachment, the term 'VTD' (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of

the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(B) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Cobb County School District which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(C) Any part of Cobb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(D) Except as otherwise provided in the description of any education district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

(3) Education Districts 1, 2, 3, 4, 5, 6, and 7, as those districts existed immediately prior to the date this subsection becomes effective in 2012, shall continue to be designated as Education Districts 1, 2, 3, 4, 5, 6, and 7, respectively, but as newly described under this subsection. On and after the date this subsection becomes effective in 2012, those members of the board of education serving from those education districts shall be deemed to be serving from and representing their respective districts as newly described under this subsection.

(4) Those members of the board representing Education Districts 1, 3, 5, and 7 on the date this paragraph becomes effective in 2012, and any person selected to fill a vacancy in such position, shall continue to serve out their respective terms of office, which shall expire December 31, 2012, and until their respective successors are elected from newly described districts as provided in paragraph (1) of subsection (a) of this section and are qualified. Those members of the board representing Education Districts 2, 4, and 6 on the date this paragraph becomes effective in 2012, and any person selected to fill a vacancy in such position, shall continue to serve out their respective terms of office, which shall expire December 31, 2014, and until their respective successors are elected from newly described districts as provided in paragraph (1) of subsection (a) of this section and are qualified.

(b) There shall be elected to the Board of Education of Cobb County one member from each education district. To be eligible for membership on the board to represent an education district, a person must reside in the education district which he or she represents. Each member shall be elected only by the voters of that education district voting for such office and not by the voters of the entire county. No person residing within the territory embraced within an independent school system shall be eligible to vote in an election for members of the board, nor shall any such person be eligible to

serve on the board. In order to be eligible as a member of the Cobb County Board of Education, a candidate must be a resident of the education district from which he or she offers, must be a citizen of the United States of America, must have been a resident of the Cobb County School District for at least 12 months immediately preceding the date of the election, and must be a qualified elector of Cobb County.

(c) The first general election at which members of the board of education are elected from Education Districts 1, 3, 5, and 7, as newly described in subsection (a) of this section, shall be that election conducted in 2012. The first general election at which members of the board of education are elected from Education Districts 2, 4, and 6, as newly described in subsection (a) of this section, shall be that election conducted in 2014. Successors to members of the board whose terms of office are to expire shall be elected at the general election immediately preceding the expiration of such terms and shall take office the first day of January immediately following that election for terms of four years and until their successors are elected and qualified."

SECTION 2.

The Board of Education of Cobb County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Plan: cobbsb-SenAmd-p3-2012
Plan Type: Local
Administrator: CobbSB
User: bak

District 001
Cobb County
VTD: 067AC1A - ACWORTH 1A
VTD: 067AC1B - ACWORTH 1B
VTD: 067AC1C - ACWORTH 1C
VTD: 067BK01 - BAKER 01
030106:
1001 1002 1004 1005 1012 1014 1016 1020 2001 2004 2008 2010
2011

030107:
1010 2000 2001 2002 2003 2004 2005 2006 2007 2008 2013 2015 2016
030226:
1007 1008 1009 1011 1012 2000 2001 2003 2005 2006 2011 2014 2015
VTD: 067CH02 - CHEATHAM HILL 02
030230:
2070 2074 2075 2076 2077 2078 2079
030231:
1000 1001 1002 1003 1004 1005 1006 1007 1008 2000 2001 2010 2011 2014
030602:
1008 1025 1027 1029 1031 1032 1039 1041 1043
VTD: 067DU01 - DURHAM 01
VTD: 067FR01 - FORD 01
030219:
4004 4005 4006 4007 4008 4009 4010 4011 4014 4015
VTD: 067FY01 - FREY 01
VTD: 067HR01 - HARRISON 01
030218:
2005 2006 2007 2008 2009 2010 2011 2012 2014 2015 2016 2017 2018 2019
030239:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1011 1012 1013
VTD: 067HY01 - HAYES 01
VTD: 067KE2A - KENNESAW 2A
030227:
3037 3044
030229:
1031 1032 1033 1035
030230:
1001 1007 1008 1009 1010 1011 1012 1013 1014 1016 1017 1020 1021 1022 1023 1024 1025 1039 1057 1058 1059 1060 1062 1063 1065 1066 1067 1068 1069 1079 1082 1098 2025 2027
VTD: 067KE2B - KENNESAW 2B
VTD: 067KE4A - KENNESAW 4A
VTD: 067KE5A - KENNESAW 5A
VTD: 067KE5B - KENNESAW 5B
VTD: 067LM04 - LOST MOUNTAIN 04
VTD: 067LW01 - LEWIS 01
VTD: 067ML01 - MCCLURE 01

VTD: 067MS01 - MARS HILL 01
VTD: 067MS02 - MARS HILL 02
VTD: 067NC01 - NORTH COBB 01
VTD: 067PM01 - PINE MOUNTAIN 01
VTD: 067PM02 - PINE MOUNTAIN 02

District 002
Cobb County
VTD: 067BR01 - BIRNEY 01
VTD: 067BR02 - BIRNEY 02
VTD: 067DI01 - DOBBINS 01
030800:
2045 2046 2049 2057 3041 3043 3044 3046 3047 3048 3049 3052
031001:
2001 2002 2003 2005 2006 2008 2009 2010 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2027
2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039
2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051
2052 2053 2054 2055 2057 2058 2059 2060 2061 2062 2063 2064
2065 2077 2078 2087 2089 2098 2099 2100 2101
031108:
1000 1001 1002 1004 1007 1009 1012 1013 1015 1021 1024 1029
1033 1035 1036 1038 1039 1041 1043 1047 1050 2002 3008 3009
3013 3015 3025 3030 3032 3033 3034 3036 4005 4006 4011 4014
4015 4018 4019 4023
031113:
1015
VTD: 067FO02 - FAIR OAKS 02
031005:
1015 1027 1028 2000 2001 2002 2003 2004 2005 2006 2007 2008
2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020
2021 2022 2023 2024
VTD: 067FO03 - FAIR OAKS 03
031004:
2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2021
3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3014 3016
4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
4012 4013
VTD: 067FO04 - FAIR OAKS 04
031004:
1003 1005 1006 1007 1009 1010 1011 1012 1013 1014 1015 1016
1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028
1029 1030 2000 2001 2002 2014 2015 2016 2017 2018 2019 2020

3000 3001 3002 3013 3015
VTD: 067FO05 - FAIR OAKS 05
031001:
1027 1028 1029 1030 1031 1032 1034 2066 2067 2068 2069 2070
2071 2072 2073 2074 2075 3000 3001 3002 3003 3004 3005 3006
3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018
3019 3020 3021 3022 3024 3025 3028
031108:
1020
VTD: 067LI01 - LINDLEY 01
VTD: 067MA03 - MABLETON 03
VTD: 067MA04 - MABLETON 04
VTD: 067NJ01 - NICKAJACK 01
031206:
1040 1044 2000 2001 2002 2003 2004 2014 3014 3017 3018 3020
3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032
3034 3035 3036 3037 3042 3044 3045 3068 3069 3070 3071 3072
3073 3075 3076 3078 3079 3080 3081 3082 3083 3084 3090 3097
VTD: 067NP01 - NORTON PARK 01
VTD: 067NP02 - NORTON PARK 02
VTD: 067OK01 - OAKDALE 01
VTD: 067SN2B - SMYRNA 2B
031001:
2056
031108:
3000 3001 3002 3003 3004 3005 3006 3007 3010 3011 3012 3014
3016 3017 3018 3019 3020 3021 3022 3023 3024 3031 3035 4004
4008
VTD: 067SN3A - SMYRNA 3A
VTD: 067SN4A - SMYRNA 4A
VTD: 067SN5A - SMYRNA 5A
VTD: 067SN6A - SMYRNA 6A
VTD: 067SN7A - SMYRNA 7A
VTD: 067SN7B - SMYRNA 7B
VTD: 067SN7C - SMYRNA 7C
VTD: 067VG03 - VININGS 03
031205:
1002 1003 1006 1012 1013 1014 1015 1016 1017 1018 1019 1020
1021 1022 1023 1024 1031 1032 1033 1034 1035 1036 1037 1038
1039 1040 1041 1042 1043 1044 1045 1049 1050 1051 1055 2002
2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
2015 2016 2017 2018

District 003
Cobb County
VTD: 067AU1A - AUSTELL 1A
VTD: 067BT01 - BRYANT 01
VTD: 067BT02 - BRYANT 02
VTD: 067CL01 - CLARKDALE 01
VTD: 067CL02 - CLARKDALE 02
VTD: 067CO01 - COOPER 01
031405:
5009 5010 5011 5012 5013 5014 5015 5016 5018 5019 5020 5021
031409:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1013
1014 1022 1023
031507:
1014 2005 2007 2008 2012 2013 2015 2016 2019 2020 2021 2023
2024 2025 2027 2028 2029
VTD: 067HL01 - HARMONY-LELAND
VTD: 067MA01 - MABLETON 01
VTD: 067MA02 - MABLETON 02
VTD: 067MC01 - MACLAND 01
031506:
2001 2006 2007
031507:
1004 1013 1016
VTD: 067ME01 - MCEACHERN 01
031505:
1003 3014 3015 3016 3021 3026
031508:
2027 2032 2033 2034 2035 2036 2038 2040 2042 2043 2045 2051
2055
031509:
5003 5004 5005 5007
VTD: 067OR02 - OREGON 02
031405:
5000 5001 5002 5003 5004 5005 5006 5007 5008
VTD: 067OR06 - OREGON 06
031405:
2012 2013 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009
4010 4011 4012
VTD: 067PE01 - PEBBLEBROOK 01
VTD: 067PE02 - PEBBLEBROOK 02
VTD: 067PS1A - POWDER SPRINGS 1A
VTD: 067PS2A - POWDER SPRINGS 2A

VTD: 067PS3A - POWDER SPRINGS 3A
VTD: 067RS01 - RIVERSIDE 01
VTD: 067SW01 - SWEETWATER 01
VTD: 067SW02 - SWEETWATER 02
VTD: 067SW04 - SWEETWATER 04
VTD: 067SW05 - SWEETWATER 05

District 004
Cobb County
VTD: 067AD01 - ADDISON 01
VTD: 067BF01 - BELLS FERRY 01
VTD: 067BF02 - BELLS FERRY 02
VTD: 067BF03 - BELLS FERRY 03
VTD: 067BG01 - BIG SHANTY 01
VTD: 067BG02 - BIG SHANTY 02
VTD: 067BK01 - BAKER 01
030226:
1000 1002 1003 1004 1005 1006 1019 1022 1023 1029
030227:
1001
VTD: 067BW01 - BLACKWELL 01
VTD: 067CK01 - CHALKER 01
VTD: 067CK02 - CHALKER 02
VTD: 067EL01 - ELIZABETH 01
VTD: 067EL02 - ELIZABETH 02
VTD: 067EP01 - EAST PIEDMONT 01
VTD: 067GT01 - GRITTERS 01
VTD: 067KE1A - KENNESAW 1A
VTD: 067KE2A - KENNESAW 2A
030229:
1036 1048 1049 1052
030230:
1040 1042 1043 1045 1046 1047 1048 1049 1083 1085 2001 2002
2006 2007 2008 2009 2010 2011 2012 2013 2016 2018 2019 2020
VTD: 067KE3A - KENNESAW 3A
VTD: 067KL01 - KELL 01
VTD: 067KY01 - KEHELEY 01
VTD: 067LA01 - LASSITER 01
030314:
1004 1008 2003 2004 2005 2006 2007 2008 2009 2010 2011 2013
2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
VTD: 067MK01 - MCCLESKEY 01
VTD: 067NS01 - NICHOLSON 01

VTD: 067PR01 - PALMER 01
VTD: 067PT01 - PITNER 01
VTD: 067RM02 - ROCKY MOUNT 02
VTD: 067SI01 - SIMPSON 01
030314:
1001 1002 1005 1006 1007
VTD: 067SY01 - SPRAYBERRY 01
VTD: 067WG01 - WADE GREEN 01
VTD: 067WG02 - WADE GREEN 02

District 005
Cobb County
VTD: 067CR01 - CHESTNUT RIDGE
VTD: 067DI01 - DOBBINS 01
030412:
2007 2009 2011 2012 3001 3002 3004 3007 3008 3009 3011 3012
3013 3015 3016 3017 3018 3019
030414:
2017 2018 2020 2021 2022 2027 2058 2059 2060 2061 2062 2063
VTD: 067DO01 - DODGEN 01
030330:
3000 3020
030332:
1004 1005 1008 1009 1010 1011 1012 1013
VTD: 067DV01 - DAVIS 01
VTD: 067EA01 - EASTSIDE 01
030333:
1008 1009 1013 1014 1015 1016 1017 2000 2001 2002 2003 2004
2009 2010 2017 3000 3004 3005 3006 3007
VTD: 067EC01 - EAST COBB 01
VTD: 067EL03 - ELIZABETH 03
VTD: 067EL04 - ELIZABETH 04
VTD: 067EL05 - ELIZABETH 05
VTD: 067EL06 - ELIZABETH 06
VTD: 067FP01 - FULLERS PARK 01
030332:
2016 2017
030333:
1000 1001 1002 1003 1004 1005 1006 1007 3001 3002 3003 3008
VTD: 067GM01 - GARRISON MILL 01
VTD: 067HT01 - HIGHTOWER 01
VTD: 067LA01 - LASSITER 01
030314:

1019 1020 1021 1022 1023 1024
VTD: 067MB01 - MABRY 01
VTD: 067MD01 - MURDOCK 01
VTD: 067PF01 - POWERS FERRY 01
VTD: 067PO01 - POST OAK 01
VTD: 067PP01 - POPE 01
VTD: 067RM01 - ROCKY MOUNT 01
VTD: 067RW01 - ROSWELL 01
VTD: 067RW02 - ROSWELL 02
030331:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
030336:
1000 1001 1002 1003 1007 1017 4000 4001 4002 4003 4004 4005
4006 4007 4008 4009 4010 4011 4012 4013 4014 4015
VTD: 067SA01 - SANDY PLAINS 01
VTD: 067SF01 - SHALLOWFORD FALLS
VTD: 067SI01 - SIMPSON 01
030314:
1000 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018
VTD: 067SM01 - SEWELL MILL 01
VTD: 067SM03 - SEWELL MILL 03
030409:
1007 1008 1009 1010
030410:
1031 1033 1036 2000 2001 2002 2003 2004 2005 2006 2007 2008
2009 2010 2011 2012 2013 2014 2021 2022
030504:
1011
030505:
1000 1001 1003 1004 1006 1007 1008 1011 1014 1020 2007 2010
2011 2016 2023 2024 2025 2026 2027 2028 2029 2030 3000 3001
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3017 3018 3019 3021 3024 3025 3026 3031 3034
4023 4024 4025 4026 4027 4033 4034
VTD: 067SM04 - SEWELL MILL 04
VTD: 067SM05 - SEWELL MILL 05
030409:
1000 1001 1002 1003 1004 1005 1006 1011 1012 1013 1022 1023
1024 2000 2001 2002 2003 2004 2005 2006 2007 2008
VTD: 067SP01 - SEDALIA PARK 01
VTD: 067TT01 - TRITT 01
VTD: 067WL01 - WILLEO 01

District 006
Cobb County
VTD: 067BY01 - BRUMBY 01
VTD: 067CA01 - CHATTAHOOCHEE 01
VTD: 067DC01 - DICKERSON 01
VTD: 067DI01 - DOBBINS 01
030339:
1003
030344:
2004 2005 2008 2012 2013 2014 2017 2020 2021 2022 2023 2024
2025 2026 2027 2028 2029 2030 2031
030345:
1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1018 1022
1023 1024 1025 1035 1037 1042 1046 1047 1048 1049 1050 1051
1053 1054 1055 1056 1057 1058 1059 1061 1066
030413:
1017 1018
030414:
1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1027 1029
1030 2005 2009 2029 2030 2031 2032
031113:
1005 1016
031114:
2002 2005
031207:
1000
031208:
1001 1002 1015 1023
VTD: 067DO01 - DODGEN 01
030332:
1000 1001 1002 1003 1006 1007 2000 2001 2002 2003 2004 2005
2006 2007 2008 2009 2010 2011 2012 2019
VTD: 067EA01 - EASTSIDE 01
030333:
2005
030334:
1000 1001 1002 1003 1004 1005 1006
VTD: 067EV01 - EAST VALLEY 01
VTD: 067FP01 - FULLERS PARK 01
030332:
2013 2014 2015 2018
VTD: 067MT01 - MT BETHEL 01

VTD: 067MT02 - MT BETHEL 02
VTD: 067MT03 - MT BETHEL 03
VTD: 067MT04 - MT BETHEL 04
VTD: 067NJ01 - NICKAJACK 01
031205:
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3018 3019 3020 3021 3022 3023 3024 3025 3026
3027 3028 3029
031206:
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3015 3016 3019 3098 3099
VTD: 067RW02 - ROSWELL 02
030336:
1004 1005 1006 1008 1009 1010 1011 1012 1013 1014 1015 1016
1018
VTD: 067SM03 - SEWELL MILL 03
030409:
1014 1015 1016 1017 1018 1019 1020 1025 1026 1027 1028
030410:
2015 2016
VTD: 067SM05 - SEWELL MILL 05
030409:
1021
VTD: 067SN1A - SMYRNA 1A
VTD: 067SN2A - SMYRNA 2A
VTD: 067SN2B - SMYRNA 2B
031114:
1000 2003 2004 2006 2007 2008 2010 2011 2012 2013 2014 2015
2016 2017 2018
VTD: 067SO01 - SOPE CREEK 01
VTD: 067SO02 - SOPE CREEK 02
VTD: 067SO03 - SOPE CREEK 03
VTD: 067TM01 - TERRELL MILL 01
VTD: 067TR01 - TIMBER RIDGE 01
VTD: 067TS01 - TEASLEY 01
VTD: 067VG01 - VININGS 01
VTD: 067VG02 - VININGS 02
VTD: 067VG03 - VININGS 03
031205:
2000 2001 3030 3031
VTD: 067VG04 - VININGS 04

District 007
Cobb County
VTD: 067CH02 - CHEATHAM HILL 02
030231:
2002 2003 2004 2005 2006 2007 2008 2009 2012 2013 2015 2016
2017 2018 2019
VTD: 067CH03 - CHEATHAM HILL 03
VTD: 067CO01 - COOPER 01
031507:
1000 1007 2000 2001 2011 2014
VTD: 067DL01 - DOWELL 01
VTD: 067FO01 - FAIR OAKS 01
VTD: 067FO02 - FAIR OAKS 02
031002:
3018
VTD: 067FO03 - FAIR OAKS 03
031002:
3013 3015 3016
VTD: 067FO04 - FAIR OAKS 04
031002:
1007 1008 1009 1010 1011 1014 1015 1016 1017 1018 1019 1021
1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033
1034 1035 1036 1037 1039 3001 3002 3004 3005 3006 3007 3010
3011 3019
VTD: 067FO05 - FAIR OAKS 05
030902:
2026 2027 2028 2029 2034
031001:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1033 1035
VTD: 067FO06 - FAIR OAKS 06
VTD: 067FR01 - FORD 01
030236:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 2000 2001
2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013
2014 2015 2016 2017
VTD: 067HR01 - HARRISON 01
030231:
4012 4013 4014 4015 4018 4019 4020 4021
VTD: 067KP01 - KEMP 01
VTD: 067KP02 - KEMP 02
VTD: 067KP03 - KEMP 03

VTD: 067LM01 - LOST MOUNTAIN 01
VTD: 067LM02 - LOST MOUNTAIN 02
VTD: 067LM03 - LOST MOUNTAIN 03
VTD: 067MC01 - MACLAND 01
031503:
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
2013 2014 2015 2016 2017 2018 2019 2020 2022
031506:
1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1013 1014
1015 1016
031507:
1006
VTD: 067MC02 - MACLAND 02
VTD: 067ME01 - MCEACHERN 01
031505:
3000 3001 3002 3003 3006 3010
031508:
1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1012 1015
1016 1017 1018 1019 2000 2001 2002 2003 2004 2005 2006 2007
2008 2009 2010 2011 2014 2015 2018 2019 2020 2021 2022 2023
2024 2046 2047 2048 2049 2050 2056
VTD: 067OR01 - OREGON 01
VTD: 067OR02 - OREGON 02
031405:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 3000 3001
VTD: 067OR03 - OREGON 03
VTD: 067OR04 - OREGON 04
VTD: 067OR05 - OREGON 05
VTD: 067OR06 - OREGON 06
031405:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
VTD: 067RR01 - RED ROCK 01
VTD: 067VA01 - VAUGHAN 01

HB 1291. By Representatives Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and Willard of the 49th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), so as to modify provisions relating to the City of Sandy Springs and the executive and judicial officials of such city; to provide for

related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House committee substitute to HB 1291 (LC 35 2674S) by replacing "January 1, 2013" *on line 291 with* "January 1, 2014"

By replacing lines 506 and 507 with the following:
(10) Make recommendations with respect to employment or termination decisions of city employees;

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the agreement to the Senate substitute or amendment, and on the agreement to the Senate substitute, as amended by the House, to HB 905, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	N Smith, E
Y Atwood	Y Dobbs	Y Holmes	N Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	Y Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	Y Dukes	N Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Benton	Y Dutton	N Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	N Floyd	N Johnson	Y Parrish	N Taylor, R
Y Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	Y Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Rice	Y Willard

Y Clark, V	Y Harbin	N Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Marin	Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the agreement to the Senate substitute or amendment, and on the agreement to the Senate substitute, as amended by the House, to HB 905, the ayes were 133, nays 28.

The House has agreed to the Senate substitute or amendment and has agreed to the Senate substitute, as amended by the House, to HB 905.

HB 1113. By Representatives Henson of the 87th, Mosby of the 90th, Drenner of the 86th, Stephenson of the 92nd, Kendrick of the 94th and others:

A BILL to be entitled an Act to authorize the governing authority of DeKalb County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

*Amend HB 1113 (LC 28 6040) by striking "*8*" in line 9 and inserting in lieu thereof "*7*".*

Representative Jacobs of the 80th moved that HB 1113 be placed upon the table.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Allison	Y Dempsey	N Henson	McCall	Y Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	N Meadows	N Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	N Morgan	Y Smith, K
N Baker	Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	N Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	N Smyre
N Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Benton	Y Dutton	N Hugley	N Nimmer	N Stephens, M
N Beverly	Ehrhart	N Jackson	Y Nix	Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	N Epps, C	E James	Y O'Neal	Talton

Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	N Johnson	Parrish	N Taylor, R
N Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	Frazier	N Jones, S	Y Peake	N Teasley
N Burns	N Fullerton	N Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Casas	N Gordon	Y Kirby	Y Ramsey	Y Weldon
Channell	Greene	Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Lindsey	Y Rice	Y Willard
Y Clark, V	N Harbin	N Long	Y Riley	N Williams, A
Coleman	Y Harden, B	N Maddox, B	Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	N Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	N Martin	Y Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 87, nays 69.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has adopted the report of the Committee of Conference on the following bills of the House:

HB 129. By Representatives McKillip of the 115th, Lindsey of the 54th, Hatfield of the 177th, Evans of the 40th and Willard of the 49th:

A BILL to be entitled an Act to amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, so as to prohibit a fee for a future conveyance of real property except under limited circumstances; to provide for a definition; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 872. By Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bill of the Senate:

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Benfield of the 85th moved that the following Bill of the House be taken from the table:

HB 1113. By Representatives Henson of the 87th, Mosby of the 90th, Drenner of the 86th, Stephenson of the 92nd, Kendrick of the 94th and others:

A BILL to be entitled an Act to authorize the governing authority of DeKalb County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	N Davis	Y Heckstall	Y Mayo	N Setzler
Y Abrams	Y Dawkins-Haigler	N Hembree	N McBrayer	N Shaw
N Allison	N Dempsey	Y Henson	N McCall	N Sheldon
E Amerson	Y Dickerson	N Hightower	N McKillip	N Sims, B
E Anderson	N Dickey	N Hill	N Meadows	Y Sims, C
Y Ashe	N Dickson	Y Holcomb	Y Mitchell	Y Smith, E
N Atwood	Y Dobbs	N Holmes	Y Morgan	N Smith, K
Y Baker	Dollar	N Holt	Morris	N Smith, L
N Battles	Y Drenner	N Horne	Y Mosby	N Smith, R
Y Beasley-Teague	N Dudgeon	N Houston	Y Murphy	N Smith, T
Y Bell	Y Dukes	Y Howard	N Neal, J	Y Smyre
Y Benfield	N Dunahoo	Hudson	Y Neal, Y	N Spencer
N Benton	N Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	N Nix	Stephens, R
N Black	N England	N Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E James	N O'Neal	Talton
N Brockway	N Epps, J	N Jasperse	N Pak	N Tankersley
Y Brooks	Y Evans	N Jerguson	Y Parent	N Taylor, D
Y Bruce	Y Floyd	Y Johnson	Parrish	Y Taylor, R
Y Bryant	Y Fludd	N Jones, J	Parsons	N Taylor, T
Buckner	Y Frazier	Y Jones, S	N Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	N Powell, J	Y Waites
N Carson	N Geisinger	Y Kendrick	N Pruett	N Watson
N Carter	N Golick	E Kidd	N Purcell	N Welch
Casas	Y Gordon	N Kirby	N Ramsey	N Weldon
Channell	Greene	N Knight	Y Randall	Y Wilkerson
N Cheokas	N Hamilton	N Lane	Y Reece	N Wilkinson
N Clark, J	N Hanner	N Lindsey	N Rice	Willard
N Clark, V	Y Harbin	Y Long	N Riley	Y Williams, A
N Coleman	N Harden, B	Y Maddox, B	N Roberts	N Williams, C
N Collins	N Harden, M	N Maddox, G	Y Rogers, C	Y Williams, E
N Cooke	N Harrell	N Manning	N Rogers, T	E Williams, R
N Coomer	N Hatchett	Y Marin	N Rynders	N Williamson
N Cooper	N Hatfield	Martin	N Scott, M	Yates
Y Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 67, nays 91.

The motion failed.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 851. By Representatives Rice of the 51st, Powell of the 29th and Sheldon of the 105th:

A BILL to be entitled an Act to amend Code Section 48-6-73 of the Official Code of Georgia Annotated, relating to reports and distributions regarding the taxation of intangibles, so as to change certain requirements regarding the rates to be charged by collecting officers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Rice of the 51st moved that the House recede from its position in disagreeing to the Senate substitute to HB 851.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	N Mayo	Y Setzler
Y Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	N Dollar	Y Holt	Morris	Y Smith, L
Y Battles	N Drenner	Horne	N Mosby	Y Smith, R
Y Beasley-Teague	N Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
N Braddock	Y Epps, C	E James	O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	N Fludd	Jones, J	Y Parsons	N Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	N Jordan	Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	N Waites
Y Carson	N Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson

Y Cheokas	Hamilton	Y Lane	Y Reece	N Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	N Long	N Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	N Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Rynders	Y Williamson
Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 139, nays 19.

The motion prevailed.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker Pro Tem assumed the Chair.

HB 198. By Representatives Rice of the 51st, Lane of the 167th, Anderson of the 117th, Powell of the 29th and Powell of the 171st:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to extend sunset dates for real estate or personal property filing fees, the state-wide uniform automated information system, and the collection and remittance of real estate or personal property filing; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to remove the sunset date for real estate or personal property filing fees; to repeal the sunset dates of the state-wide uniform automated information system and for the collection and remittance of real estate or personal property filings; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, is amended by revising subsections (f) and (f.1) of Code Section 15-6-77, relating to fees to be collected by clerks of superior courts, as follows:

"(f) ~~Until July 1, 2014, sums~~ Sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:

(1)(A)(i) Filing all instruments pertaining to real estate including deeds, deeds of trust, affidavits, releases, notices and certificates, and cancellation of deeds, first page ..... $ 9.50

Each page, after the first 2.00

(ii) Filing all instruments pertaining to real estate and personal property including liens on real estate and personal property, notice filings for Uniform Commercial Code related real estate, tax liens, hospital liens, writs of fieri facias, notices of lis pendens, written information on utilities, cancellations of liens, and writs of fieri facias, first page 4.50

Each page, after the first 2.00

(B) Filing and indexing financing statements, amendments to financing statements, continuation statements, termination statements, release of collateral, or other filing pursuant to Article 9 of Title 11, first page 10.00

Each page, after the first 2.00

(2) Filing maps or plats, each page 7.50

(3) For processing an assignment of a security deed, for each deed assigned 4.50

~~(f.1) On and after July 1, 2014, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:~~

~~(1)(A) Filing all instruments pertaining to real estate and personal property except as otherwise specified in this Code section, including but not limited to the filing of deeds, deeds of trust, affidavits, releases, notices, certificates, liens on real estate and personal property, notice filings for Uniform Commercial Code related real estate, tax liens, hospital liens, writs of fieri facias, notices of lis pendens, written information on utilities, and cancellation of deeds, liens, and writs of fieri facias, first page ..... $ 4.50~~

~~Each page, after the first ..... 2.00~~

~~(B) Filing and indexing financing statements, amendments to financing statements, continuation statements, termination statements, release of collateral, or other filing pursuant to Part 4 of Article 9 of Title 11, first page. 10.00~~

~~Each page, after the first..... 2.00~~

~~(2) Filing maps or plats, each page..... 7.50~~

~~(3) For processing an assignment of a security deed, for each deed assigned.... 4.50~~"

SECTION 2.

Said article is further amended by repealing subsection (c) of Code Section 15-6-97, relating to the development and implementation of a state-wide uniform automated information system.

SECTION 3.

Said article is further amended by repealing subsection (d) of Code Section 15-6-98, relating to collection of fees and remittance to the Georgia Superior Court Clerks' Cooperative Authority.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Representative Rice of the 51st moved that the House agree to the Senate substitute to HB 198.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Benfield	Y Dunahoo	Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas

Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 156, nays 4.

The motion prevailed.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 900. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title for motor vehicles, so as to provide for the cancellation of a certificate of title for scrap metal, dismantled, or demolished trailers in a manner similar to motor vehicles, to help prevent trailer theft by persons seeking to sell stolen trailers for scrap metal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title for motor vehicles, so as to provide for the cancellation of a certificate of title for scrap metal, dismantled, or demolished trailers in a manner similar to motor vehicles, to help prevent trailer theft by persons seeking to sell stolen trailers for scrap metal; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title for motor vehicles, is amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 40-3-36, relating to cancellation of certificates of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, as follows:

"(a)(1) Any registered owner or authorized agent of a registered owner who in any manner sells or disposes of any vehicle, including a trailer, as scrap metal or parts only or who scraps, dismantles, or demolishes a vehicle shall within 72 hours mail or deliver the certificate of title to the commissioner for cancellation.

(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle, including a trailer, to be transferred, or has lost the title for the vehicle or trailer to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle or trailer is at least 12 model years old and is worth $850.00 or less, if the vehicle was used as a motor vehicle, or $1,700.00 or less if the vehicle was used as a trailer ~~and is at least 12 model years old~~. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section 43-43-1. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle or trailer shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle including, where applicable, the year, make, model, vehicle identification number, and color;

(C) The name, address, and driver's license number of the owner;

(D) A certification that the owner:

(i) Never obtained a title to the vehicle in his or her name; or

(ii) Was issued a title for the vehicle, but the title was lost or stolen;

(E) A certification that the vehicle:

(i) Is worth $850.00 or less, or $1,700.00 or less if the vehicle is a trailer;

(ii) Is at least 12 model years old; and

(iii) Is not subject to any secured interest or lien;

(F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than $1,000.00 nor more than $5,000.00, or both, to knowingly falsify any information on this statement;

(G) The owner's signature and the date of the transaction;

(H) The name, address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;

(I) A certification by the business that $850.00 or less, or $1,700.00 or less if the vehicle is a trailer, was paid to acquire the vehicle; and

(J) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Representative Rice of the 51st moved that the House agree to the Senate substitute to HB 900.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Y Benfield	Y Dunahoo	Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 161, nays 0.

The motion prevailed.

Representatives Abdul-Salaam of the 74th and Watson of the 163rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 365. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the regulation of the practice of law, so as to define a term; to provide for a private cause of action; to amend Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages, conveyances to secure debt, and liens, so as to change provisions relating to collected funds; to provide for penalties; to require an attorney to attest that a borrower knowingly, intentionally, and willingly executed such form; to provide that mortgages shall be voidable if a waiver of borrower's rights and attorney attestation is not completed for a residential real property mortgage; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House Committee on Judiciary substitute to SB 365 (LC 29 5279S) by replacing lines 1 and 2 with the following:
To amend Title 43 and Code Section 44-14-13 of the Official Code of Georgia Annotated, relating to professions and businesses and disbursement of settlement proceeds, respectively, so as to change certain provisions relating to real estate and real estate professionals; to provide for definitions relative to real estate appraisers; to change certain provisions relating to revocation of licenses; to change certain provisions relating to discipline, sanctions, and citations; to provide for a letter of findings to be issued by the Georgia Real Estate Appraisers Board and the Georgia Real Estate Commission; to change certain provisions relating to qualifications for a broker or associate broker's license; to change certain provisions relating to the real estate education, research, and recovery fund; to revise certain provisions relating to the commission's subrogation rights; to change the definition of "settlement agent"; to

By redesignating Sections 1 and 2 as Sections 15 and 16, respectively, and inserting between lines 6 and 7 the following:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising subparagraph (B) of paragraph (3) of Code Section 43-39A-2, relating to definitions relative to real estate appraisers, as follows:

"(B) 'Appraisal management company' does not include:

(i) Any person licensed to practice law in this state who orders an appraisal in connection with a bona fide client relationship when that person directly contracts with an appraiser;

(ii) Any person who contracts with an appraiser acting as an independent contractor for the completion of a real estate appraisal assignment and who, upon the completion of such an assignment, cosigns the appraisal report with the appraiser who is acting as an independent contractor;

(iii) Any federal, state, or local government or any of its departments, agencies, or authorities that order appraisals; ~~or~~

(iv) Any person who orders an appraisal on behalf of any federal, state, or local government or its departments, agencies, or authorities as an employee thereof; or

(v) A relocation company."

SECTION 2.

Said title is further amended by revising Code Section 43-39A-2, relating to definitions relative to real estate appraisers, by adding a new paragraph to read as follows:

"(25.1) 'Relocation company' means a business entity that acts as an agent or contractor of an employer for the purposes of relocating the employees of such employer and determining an anticipated sales price of the residences of the employees being relocated."

SECTION 3.

Said title is further amended by revising subsection (e) of Code Section 43-39A-3, relating to the Georgia Real Estate Appraisers Board, membership, qualifications, recusal for conflict of interest, terms, removal, meetings, and compensation, as follows:

"(e) Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. The Governor, after giving notice and opportunity for a hearing, may remove from office any member of the board for any of the following:

(1) Inability to perform or neglecting to perform the duties required of members;

(2) Incompetence;

(3) Dishonest conduct; or

(4) Having a disciplinary sanction other than a citation or a letter of findings authorized by this chapter imposed by any professional licensing agency on such member's right to practice a trade or profession."

SECTION 4.

Said title is further amended by revising Code Section 43-39A-14, relating to required conduct of applicants, refusal of classification, imposition of sanctions, revocation of classification, noncompliance with child support orders, and borrowers in default, as follows:

"43-39A-14.

(a) Appraiser classifications shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such manner as to safeguard the interests of the public and only after satisfactory proof of such qualifications has been presented to the board.

(b)(1) As used in this subsection, the term:

(A) 'Conviction' means a finding or verdict of guilty or a plea of guilty to a charge of a felony or any crime involving moral turpitude, regardless of whether an appeal of the conviction has been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or any crime involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any crime involving moral turpitude.

(B) 'Felony' ~~includes~~ <u>means</u> any offense ~~which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere~~ <u>committed:</u>

<u>(i) Within this state and deemed a felony under the laws of this state or under the laws of the United States; or</u>

<u>(ii) In another state and deemed a felony under the laws of that state or the laws of the United States</u>.

(1.1) No person who has a conviction shall be eligible to become an applicant for a license or an approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction~~;~~<u>,</u> provided that if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; <u>and</u> provided, further, that if such individual has a single conviction, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

(1.2) A person who has a conviction in a court of competent jurisdiction of this <u>state</u> or any other state~~, district, or territory of the United States, or of a foreign country,~~ shall be eligible to become an applicant for a licensure or an approval authorized by this chapter only if:

(A) Such person has satisfied all terms and conditions of any conviction such person may have had before making application for licensure or approval, provided that~~,~~ if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; <u>and</u> provided, further, that if such individual has been convicted of a single felony or of

a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval;

(B) No criminal charges for forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, a felony, a ~~sex~~ sexual offense, a probation violation, or a crime involving moral turpitude are pending against the person; and

(C) Such person presents to the commission satisfactory proof that the person now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(2) Where an applicant for any classification or approval authorized by this chapter has been convicted in a court of competent jurisdiction of this state or any other state~~, district, or territory of the United States or of a foreign country~~ of the offense of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, or conspiracy to defraud or other like offense or offenses or has been convicted of a felony, a ~~sex~~ sexual offense, a probation violation, or a crime involving moral turpitude, such conviction in itself may be a sufficient ground for refusal of a classification or approval. An applicant for any classification or approval authorized by this chapter who has been convicted of any offense enumerated in this paragraph may be issued a classification or approval by the board only if:

(A) The time periods identified in paragraph ~~(1)~~ (1.1) of this subsection have passed since the applicant was convicted, sentenced, or released from any incarceration, whichever is later;

(B) No criminal charges are pending against the applicant; and

(C) The applicant presents to the board satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate appraisal activity in such a manner as to safeguard the interest of the public.

(c) Where an applicant or an appraiser has been found guilty of a violation of the federal fair housing law or Article 4 of Chapter 3 of Title 8 by an administrative law judge or a court of competent jurisdiction and after any appeal of such conviction is concluded, such conviction may in itself be a sufficient ground for refusal of an appraiser classification or the imposition of any sanction permitted by this chapter.

(d) Where an applicant or an appraiser has made a false statement of material fact on an application or caused to be submitted or been a party to preparing or submitting any falsified application to the board, such action may, in itself, be a sufficient ground for the refusal, suspension, or revocation of the appraiser classification.

(e) Grounds for suspension or revocation of an appraiser classification, as provided for by this chapter, shall also be grounds for refusal to grant an appraiser classification.

(f) The conduct provided for in subsections (a) through (d) and subsection (h) of this Code section which relates to the denial of an appraiser classification to an applicant

shall also be grounds for the imposition of any sanction permitted by this chapter when the conduct is that of an appraiser.

(g) Whenever the board initiates an investigation as provided in Code Section 43-39A-22 to determine whether an appraiser has violated any provision of this chapter or the rules and regulations adopted pursuant to this chapter and such appraiser:

(1) Surrendered or surrenders an appraiser classification to the board;

(2) Allowed or allows an appraiser classification to lapse due to failure to meet education requirements provided by law; or

(3) Allowed or allows an appraiser classification to lapse due to failure to pay any required fees,

the board may issue an order revoking such appraiser's classification. The order ~~will~~ shall be effective ten days after the order is served on the appraiser unless the appraiser makes a written request for a hearing before the board, in which event, the board ~~will~~ shall file a notice of hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Service shall be accomplished as provided for in Code Section 43-39A-21. ~~If such surrender or lapsing occurs after the board has filed a notice of hearing alleging that such appraiser has violated any provision of this chapter or the rules and regulations adopted pursuant to this chapter but before the board enters a final order in the matter, then upon submission of a new application by such person the matters asserted in the notice of hearing shall be deemed admitted and may be used by the board as grounds for refusal of a new appraiser classification to such person.~~

(h) Whenever any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ has ~~sanctioned~~ disciplined any license or classification of an applicant for any appraiser classification or whenever such an applicant has allowed a license or classification to lapse or has surrendered a license or classification to any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ after that occupational licensing body has initiated an investigation or a disciplinary process regarding such applicant's licensure or classification, such ~~sanction~~ discipline, lapsing, or surrender in itself may be a sufficient ground for refusal of an appraiser classification. Whenever any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ has revoked the license or classification of an applicant for a classification or whenever such an applicant has allowed a license or classification to lapse or has surrendered a license or classification to any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ after that body has initiated an investigation or a disciplinary process regarding such applicant's license or classification, the board may issue an appraiser classification only if:

(1) At least five years have passed since the date that the applicant's occupational registration, license, or certification was revoked or surrendered;

(2) No criminal charges are pending against the applicant at the time of application; and

(3) The applicant presents to the board satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact

real estate appraisal activity in such a manner as to safeguard the interests of the public.

(i) Whenever any appraiser is convicted of any offense enumerated in subsection (b) of this Code section, such appraiser ~~must~~ shall immediately notify the board of that conviction. Such appraiser's appraiser classification shall automatically be revoked 60 days after the conviction unless the appraiser makes a written request to the board for a hearing during that 60 day period. Following any such hearing requested pursuant to this subsection, the board in its discretion may impose upon that appraiser any sanction permitted by this chapter.

(j) Where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action ~~is~~ shall be sufficient grounds for refusal of a license or suspension of a license. For purposes of this subsection, the hearing and appeal procedures provided for in such Code sections shall be the only such procedures required under this article.

(k) Where an applicant or licensee has been found to be a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295, such finding ~~is~~ shall be sufficient grounds for refusal of a license or suspension of a license. For purposes of this subsection, the hearing and appeal procedures provided for in Code Section 20-3-295 shall be the only such procedures required under this article.

(l) Where the board has previously sanctioned any applicant for a classification under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such sanction may in itself be a sufficient ground for refusing the classification."

SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 43-39A-18, relating to penalties for violations, unfair trade practices, and civil judgments, as follows:

"(a) In accordance with the hearing procedures established for contested cases by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' whenever an appraiser classification, a school approval, or an instructor approval has been obtained by false or fraudulent representation~~;~~, or whenever an appraiser, an approved school, or an approved instructor has been found guilty of a violation of this chapter, ~~or~~ of the rules and regulations promulgated by the board, or of any unfair trade practices, including, but not limited to, those listed in this Code section~~;~~, the board shall have the power to take any one or more of the following actions:

(1) Refuse to grant or renew a classification to an applicant;

(2) Administer a reprimand;

(3) Suspend any classification or approval for a definite period of time or for an indefinite period of time in connection with any condition that may be attached to the restoration of the classification or approval;

(4) Revoke any classification or approval;

(5) Revoke any classification issued to an appraiser and simultaneously issue such appraiser a classification with more restricted authority to conduct appraisals;

(6) Impose on an appraiser, applicant, approved school ~~approval~~, or approved instructor ~~approval~~ monetary assessments in an amount necessary to reimburse the board for administrative, investigative, and legal costs and expenses incurred by the board in conducting any proceeding authorized under this chapter or Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';

(7) Impose a fine not to exceed $1,000.00 for each violation of this chapter or its rules and regulations with fines for multiple violations limited to $5,000.00 in any one disciplinary proceeding or such other amount as the parties may agree;

(8) Require completion of a course of study in real estate appraisal or instruction; or

(9) Limit or restrict any classification or approval as the board deems necessary for the protection of the public.

Any action taken by the board pursuant to this subsection may, at its discretion, be construed as a 'disciplinary sanction' or 'sanction' as such terms are used in this chapter."

SECTION 6.

Said title is further amended by revising Code Section 43-39A-18.1, relating to alternative disciplinary procedures and citations, as follows:

"43-39A-18.1.

(a) It is the intent of the General Assembly to provide the board with ~~a~~ disciplinary ~~tool which is an alternative~~ measures to use as alternatives to the sanctions provided for in subsection (a) of Code Section 43-39A-18. The citation and letter of findings provided for in this Code section shall not be construed as a disciplinary sanction.

(b) Whenever the evidence gathered in an investigation reveals an apparent violation by an appraiser of this chapter, the rules and regulations promulgated by the board, or a standard of conduct, the board, in its discretion, may:

(1) ~~initiate~~ Initiate the process for the imposition of sanctions, as provided for in subsection (a) of Code Section 43-39A-18 and in accordance with the hearing procedures established for contested cases by Chapter 13 of Title 50~~, or~~;

(2) ~~issue~~ Issue a citation to the appraiser. Such citation, which shall be served personally or by mail, shall give notice to the appraiser of the alleged violation or violations of this chapter, commission rules, or standard or standards of conduct and inform the appraiser of the opportunity to request a contested case hearing to be held in accordance with the procedures established for such hearings by Chapter 13 of Title 50. A citation issued by the board may include an order to complete a course of study in real estate appraisal or instruction or to pay a fine not to exceed $1,000.00 for each violation of this chapter or its rules and regulations, with fines for multiple violations limited to $5,000.00 in any one citation, or both. If the appraiser fails to request a hearing within 30 days of the date of service of the citation, the order contained in the citation shall be final. The failure of an appraiser to comply with a final order contained in a citation may be cause for the imposition of a sanction on such person's classification, after notice and opportunity for a hearing~~.~~; or

(3) Issue a letter of findings to the appraiser if the alleged violation appears to have done no harm to a third party or to the public. Such letter of findings, which shall be served personally or by mail, shall give notice to the appraiser of the alleged violation or violations of this chapter, commission rules, or standard or standards of conduct. A letter of findings shall be confidential and shall not appear on the classification history of an appraiser. A letter of findings shall not be subject to a subpoena in a civil action, shall not constitute a public record or be available for inspection by the public, and shall not be disclosed to any person or agency, except as provided in subsection (d) of Code Section 43-39A-22.

(c) The board is authorized to promulgate rules and regulations to implement this Code section. Such rules may limit the provisions of this chapter and of its rules and regulations and standards of conduct which may be the basis for the issuance of a citation or a letter of findings."

SECTION 7.

Said title is further amended by revising subsection (d) of Code Section 43-40-2, relating to creation of commission, members, meetings, recusal for conflict of interest, removal, compensation, annual report, and budget unit, as follows:

"(d) The Governor, after giving notice and an opportunity for a hearing, may remove from office any member of the commission for any of the following:

(1) Inability to perform or neglecting to perform the duties required of members;

(2) Incompetence;

(3) Dishonest conduct; or

(4) Having a disciplinary sanction, other than a citation or a letter of findings authorized by this chapter, imposed by any professional licensing agency on such member's right to practice a trade or profession."

SECTION 8.

Said title is further amended by revising subsection (c) of Code Section 43-40-8, relating to qualifications of licensees, course of study for licensed salespersons, lapse, reinstatement, renewal, continuing education, and standards for courses, as follows:

"(c) In order to qualify to become an applicant for a broker or associate broker's license, an individual shall:

(1) Have attained the age of 21 years;

(2) Be a resident of the State of Georgia, unless that person has fully complied with the provisions of Code Section 43-40-9;

(3) Be a high school graduate or the holder of a certificate of equivalency;

(3.1) Have complied fully with the requirements of subsection (b) of Code Section 43-40-15 regarding any criminal convictions;

(4) Have maintained a license in active status for at least three of the five years immediately preceding the filing of an application to become a broker;

(5) Furnish evidence of completion of 60 instructional hours in a broker's course of study approved by the commission, provided that if licensed as a community

association manager, the applicant shall furnish evidence of completion of an additional 75 instructional hours in courses or a course of study approved by the commission; and

(6) Stand and pass a real estate examination administered by or approved by the commission covering generally the matters confronting real estate brokers after completing the requirements of paragraph (5) of this subsection and after ~~serving at least two years of active licensure~~ maintaining a license in active status for at least three of the five years immediately preceding such examination.

Failure to meet any of these requirements shall be grounds for denial of license without a hearing."

SECTION 9.

Said title is further amended by revising Code Section 43-40-15, relating to grant, revocation, or suspension of licenses, other sanctions, surrender or lapse, conviction, noncompliance with child support order, and borrowers in default, as follows:

"43-40-15.

(a) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. The commission may deny a license to a corporation, limited liability company, or partnership if a stockholder, member, or partner or any combination thereof which owns more than a 20 percent interest therein does not bear a good reputation for honesty, trustworthiness, and integrity; has been convicted of any of the crimes enumerated in subsection (b) of this Code section; or has been ~~sanctioned~~ disciplined by any legally constituted regulatory agency for violating a law regulating the sale of real estate.

(b)(1) As used in this Code section, the term:

(A) 'Conviction' means a finding or verdict of guilty or a plea of guilty to a charge of a felony or any crime involving moral turpitude, regardless of whether an appeal of the conviction has been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or any crime involving moral turpitude; or a plea of nolo contendere to a charge of a felony or any crime involving moral turpitude.

(B) 'Felony' ~~includes~~ means any offense ~~which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere~~ committed:

(i) Within this state and deemed a felony under the laws of this state or under the laws of the United States; or

(ii) In another state and deemed a felony under the laws of that state or the laws of the United States.

(1.1) No person who has a conviction shall be eligible to become an applicant for a license or an approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction~~;~~, provided that if such individual has multiple convictions, at least five years shall have

passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has a single conviction, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

(1.2) A person who has a conviction in a court of competent jurisdiction of this state or any other state~~, district, or territory of the United States, or of a foreign country,~~ shall be eligible to become an applicant for a licensure or an approval authorized by this chapter only if:

(A) Such person has satisfied all terms and conditions of any conviction such person may have had before making application for licensure or approval~~;~~, provided that if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has been convicted of a single felony or of a single crime of moral turpitude, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval;

(B) No criminal charges for forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, a felony, a ~~sex~~ sexual offense, a probation violation, or a crime involving moral turpitude are pending against the person; and

(C) Such person presents to the commission satisfactory proof that the person now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(2) Where an applicant for any license or approval authorized by this chapter has been convicted of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, or other like offense or offenses or has been convicted of a felony, a ~~sex~~ sexual offense, a probation violation, or a crime involving moral turpitude and has been convicted thereof in a court of competent jurisdiction of this state or any other state~~, district, or territory of the United States or of a foreign country~~ such conviction in itself may be sufficient ground for refusal of a license or approval authorized by this chapter. An applicant for licensure as an associate broker or a broker who has been convicted of any offense enumerated in this paragraph may be licensed by the commission as an associate broker or a broker only if:

(A) At least ten years have passed since the applicant was convicted, sentenced, or released from any incarceration, whichever is later;

(B) No criminal charges are pending against the applicant; and

(C) The applicant presents to the commission satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence

to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(c) Where an applicant or licensee has been found guilty of a violation of the federal fair housing law or Article 4 of Chapter 3 of Title 8 by an administrative law judge or a court of competent jurisdiction and after any appeal of such conviction is concluded, such conviction may in itself be a sufficient ground for refusal of a license or the imposition of any sanction permitted by this chapter.

(d) Where an applicant or licensee has made a false statement of material fact on his or her application or caused to be submitted or been a party to preparing or submitting any falsified application to the commission, such action may, in itself, be a sufficient ground for the refusal, suspension, or revocation of the license.

(e) Grounds for suspension or revocation of a license, as provided for by this chapter, shall also be grounds for refusal to grant a license.

(f) The conduct provided for in subsections (a), (b), (c), (d), and (h) of this Code section which relates to the denial of a real estate license to an applicant shall also be grounds for imposition of any sanction permitted by this chapter when the conduct is that of a licensee.

(g) Whenever the commission initiates an investigation as permitted by Code Section 43-40-27 to determine whether a licensee has violated any provision of this chapter or its rules and regulations and such licensee has:

(1) Surrendered or voluntarily surrenders the license to the commission;

(2) Allowed or allows the license to lapse due to failure to meet educational requirements provided by law; or

(3) Allowed or allows the license to lapse due to failure to pay any required fees,

~~then if such surrender or lapsing takes place after before the commission has filed a notice of hearing alleging that such licensee has violated any provision of this chapter or its rules and regulations, but before the commission enters a final order in the matter, then upon submission of a new application by such licensee the matters asserted in the notice of hearing shall be deemed admitted and may be used by the commission as grounds for refusal of a new license to such licensee. If such surrender or lapsing takes place prior to the commission's filing of a notice of hearing, but after the commission initiates an investigation as permitted by Code Section 43-40-27, then the commission may issue an order revoking such licensee's license. Such order of revocation shall be final ten days after it is issued unless the licensee named in the order requests a hearing before the commission. If such licensee requests a hearing, the commission shall file a notice of hearing and provide a hearing for such licensee in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ the commission may issue an order revoking such licensee's license. The order shall be effective ten days after the order is served on the licensee unless the licensee makes a written request for a hearing before the commission, in which event, the commission shall file a notice of hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Service shall be accomplished as provided for in Code Section 43-40-26.

(h) Whenever any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ has ~~sanctioned~~ disciplined the license of an applicant for any license authorized by this chapter or whenever such an applicant has allowed a license to lapse or has surrendered a license to any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ after that body has initiated an investigation or a disciplinary process regarding such applicant's license, such ~~sanction~~ discipline, lapsing, or surrender in itself may be a sufficient ground for refusal of a license. Whenever any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ has revoked the license of an applicant for any license authorized by this chapter or whenever such an applicant has allowed a license to lapse or has surrendered a license to any occupational licensing body of this state~~,~~ or any other state~~, or any foreign country~~ after that body has initiated an investigation or a disciplinary process regarding such applicant's license, the commission may issue an associate broker's or a broker's license only if:

(1) At least ten years have passed since the date that the applicant's occupational license was revoked or surrendered;

(2) No criminal charges are pending against the applicant at the time of application; and

(3) The applicant presents to the commission satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

(i) Whenever any licensee is convicted of any offense enumerated in subsection (b) of this Code section, the licensee ~~must~~ shall immediately notify the commission of that conviction. The licensee's license shall automatically be revoked 60 days after the licensee's conviction unless the licensee makes a written request to the commission for a hearing during that 60 day period. Following any such hearing requested pursuant to this subsection, the commission in its discretion may impose upon that licensee any sanction permitted by this chapter.

(j) Whenever the commission revokes or suspends the license of a community association manager, a salesperson, an associate broker, or a broker, then any school or instructor approval which such licensee holds shall also be revoked or suspended. Whenever a licensee surrenders a real estate license as provided for in subsection (g) of this Code section, any school or instructor approval which such licensee holds shall also be subject to the provisions of subsection (g) of this Code section.

(k) Where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action ~~is~~ shall be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in those Code sections shall be the only such procedures required under this chapter.

(l) Where an applicant or licensee has been found to be a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295, such status ~~is~~ shall be sufficient grounds for refusal of a license or suspension of a license. In such

cases, the hearing and appeal procedures provided for in Code Section 20-3-295 shall be the only such procedures required under this chapter.

(m) Where the commission has previously sanctioned any applicant for a license under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such sanction may in itself be a sufficient ground for refusing the license."

SECTION 10.

Said title is further amended by revising subsection (b) of Code Section 43-40-22, relating to real estate education, research, and recovery fund, revocation of license upon court order for payment from fund, and subrogation, as follows:

"(b) The commission shall maintain a minimum balance of $1 million in the real estate education, research, and recovery fund from which any person, except bonding companies when they are not principals in a real estate transaction, aggrieved by an act, representation, transaction, or conduct of a licensee which is in violation of this chapter or of the rules and regulations of the commission promulgated pursuant thereto, may recover, by order of any court having competent jurisdiction, actual or compensatory damages, not including interests and costs sustained by the act, representation, transaction, or conduct, provided that nothing shall be construed to obligate the fund for more than ~~$15,000.00~~ $25,000.00 per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction. In addition:

(1) The liability of the fund for the acts of a licensee, when acting as such, is terminated upon the issuance of court orders authorizing payments from the fund for judgments, or any unsatisfied portion of judgments, in an aggregate amount of ~~$45,000.00~~ $75,000.00 on behalf of such licensee;

(2) A licensee acting as a principal or agent in a real estate transaction has no claim against the fund; and

(3) No person who establishes a proper claim or claims under this Code section shall ever obtain more than ~~$15,000.00~~ $25,000.00 from the fund."

SECTION 11.

Said title is further amended by revising subsection (d) of Code Section 43-40-22, relating to real estate education, research, and recovery fund, revocation of license upon court order for payment from fund, and subrogation, as follows:

"(d)(1) No action for a judgment which subsequently results in an order for collection from the real estate education, research, and recovery fund shall be started later than two years from the accrual of the cause of action thereon. ~~When any aggrieved person commences action for a judgment which may result in collection from the real estate education, research, and recovery fund, the aggrieved person shall notify the commission in writing, by certified mail or statutory overnight delivery, return receipt requested, to this effect at the time of the commencement of such action.~~ The commission shall have the right to intervene in and defend any such action.

(2) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any licensee for any act, representation, transaction, or conduct

which is in violation of this chapter, or of the regulations promulgated pursuant thereto, which act occurred on or after July 1, 1973, the aggrieved person may, upon termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon ~~ten~~ 30 days' written notice to the commission, may apply to the court for an order directing payment out of the real estate education, research, and recovery fund of the amount unpaid upon the judgment, subject to the limitations stated in this Code section. The commission shall have the right to intervene in and object to such verified claim on the issue of whether or not the claim was in violation of this chapter or of the rules and regulations of the commission promulgated pursuant thereto.

(3) The court shall proceed upon such application in a summary manner and, upon the hearing thereof, the aggrieved person shall be required to show that such person:

(A) At the time of the cause of action, was not a spouse of the judgment debtor; or a parent, sibling, or child of the judgment debtor or the judgment debtor's spouse; or the personal representative of such person or persons;

(B) Has complied with all the requirements of this Code section;

(C) Has obtained a judgment, as set out in paragraph (2) of this subsection, stating the amount thereof and the amount owing thereon at the date of the application; and that, in such action, the aggrieved person had joined any and all bonding companies which issued corporate surety bonds to the judgment debtors as principals and all other necessary parties;

(D) Has caused to be issued a writ of execution upon such judgment and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found or that the amount realized on the sale of them or of such of them as were found, under such execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due to the judgment after application thereon of the amount realized;

(E) Has caused the judgment debtor to make discovery under oath concerning the judgment debtor's property, in accordance with Chapter 11 of Title 9, the 'Georgia Civil Practice Act';

(F) Has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets liable to be sold or applied in satisfaction of the judgment;

(G) Has discovered by such search no personal or real property or other assets liable to be sold or applied or that certain of them, being described, owned by the judgment debtor and liable to be so applied have been discovered and that the aggrieved person has taken all necessary action and proceedings for the realization thereof and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized; and

(H) Has applied the following items, if any, as recovered by the aggrieved person, to the actual or compensatory damages awarded by the court:

(i) Any amount recovered from the judgment debtor or debtors;

(ii) Any amount recovered from the bonding company or companies; or

(iii) Any amount recovered in out-of-court settlements as to particular defendants.

(4) Whenever the aggrieved person satisfies the court that it is not practical to comply with one or more of the requirements enumerated in subparagraphs (D), (E), (F), (G), and (H) of paragraph (3) of this subsection and that the aggrieved person has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the court may, in its discretion, dispense with the necessity for complying with such requirements.

(5) The court shall make an order directed to the commission requiring payment from the real estate education, research, and recovery fund of whatever sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this Code section, if the court is satisfied, upon the hearing, of the truth of all matters required to be shown by the aggrieved person by paragraph (3) of this subsection and is satisfied that the aggrieved person has fully pursued and exhausted all remedies available to him <u>or her</u> for recovering the amount awarded by the judgment of the court.

(6) Should the commission pay from the real estate education, research, and recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, the license of such licensee shall be automatically revoked upon the issuance of a court order authorizing payment from the real estate education, research, and recovery fund. If such license is that of a firm, the license of the qualifying broker of the firm shall automatically be revoked upon the issuance of a court order authorizing payment from the real estate education, research, and recovery fund. No such licensee shall be eligible to receive a new license until such licensee has repaid in full, plus interest at the judgment rate in accordance with Code Section 7-4-12, the amount paid from the real estate education, research, and recovery fund on such licensee's account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this subsection.

(7) If, at any time, the money deposited in the real estate education, research, and recovery fund is insufficient to satisfy any duly authorized claim or portion thereof, the commission shall, when sufficient money has been deposited in the real estate education, research, and recovery fund, satisfy such unpaid claims or portions thereof in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of 4 percent a year."

SECTION 12.

Said title is further amended by revising subsection (a) of Code Section 43-40-25, relating to violations by licensees, schools, and instructors, sanctions, and unfair trade practices, as follows:

"(a) In accordance with the hearing procedures established for contested cases by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' whenever a license, a school approval, or an instructor approval has been obtained by false or fraudulent

representation~~;~~, or whenever a licensee, an approved school, or an approved instructor has been found guilty of a violation of this chapter, ~~or~~ of the rules and regulations promulgated by the commission, or of any unfair trade practices, including, but not limited to, those listed in this Code section~~;~~, the commission shall have the power to take any one or more of the following actions:

(1) Refuse to grant or renew a license to an applicant;

(2) Administer a reprimand;

(3) Suspend any license or approval for a definite period of time or for an indefinite period of time in connection with any condition that may be attached to the restoration of the license or approval;

(4) Revoke any license or approval;

(5) Revoke the license of a broker, qualifying broker, or associate broker and simultaneously issue such licensee a salesperson's license;

(6) Impose on a licensee, applicant, approved school ~~approval~~, or approved instructor ~~approval~~ monetary assessments in an amount necessary to reimburse the commission for the administrative, investigative, and legal costs and expenses incurred by the commission in conducting any proceeding authorized under this chapter or Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';

(7) Impose a fine not to exceed $1,000.00 for each violation of this chapter or its rules and regulations with fines for multiple violations limited to $5,000.00 in any one disciplinary proceeding or such other amount as the parties may agree;

(8) Require completion of a course of study in real estate brokerage or instruction;

(9) Require the filing of periodic reports by an independent accountant on a real estate broker's designated trust account; or

(10) Limit or restrict any license or approval as the commission deems necessary for the protection of the public.

Any action taken by the commission pursuant to this subsection may, at its discretion, be construed as a 'disciplinary sanction' or 'sanction' as such terms are used in this chapter."

SECTION 13.

Said title is further amended by revising subsection (c) of Code Section 43-40-25, relating to violations by licensees, schools, and instructors, sanctions, and unfair trade practices, as follows:

"(c) When a licensee has previously been sanctioned by the commission or disciplined by any other state's real estate brokerage licensing authority, the commission may consider any such prior sanctions or disciplinary actions by another state's real estate brokerage licensing authority in determining the severity of a new sanction which may be imposed upon a finding that the licensee has committed an unfair trade practice, that the licensee has violated any provision of this chapter, or that the licensee has violated any of the rules and regulations of the commission. The failure of a licensee to comply with or to obey a final order of the commission may be cause for suspension or revocation of the individual's license after opportunity for a hearing."

SECTION 14.

Said title is further amended by revising Code Section 43-40-25.2, relating to alternative disciplinary procedures and citations, as follows:

"43-40-25.2.

(a) It is the intent of the General Assembly to provide the commission with ~~a disciplinary tool which is an alternative~~ measures to use as alternatives to the sanctions provided for in subsection (a) of Code Section 43-40-25. The citation and letter of findings provided for in this Code section shall not be construed as a disciplinary sanction.

(b) Whenever the evidence gathered in an investigation reveals an apparent violation of this chapter or of the rules and regulations promulgated by the commission or the apparent commission of any unfair trade practice by a licensee, the commission, in its discretion, may:

(1) ~~initiate~~ Initiate the process for the imposition of sanctions, as provided for in subsection (a) of Code Section 43-40-25 and in accordance with the hearing procedures established for contested cases by Chapter 13 of Title 50~~, or~~;

(2) ~~issue~~ Issue a citation to the licensee. Such citation, which shall be served personally or by mail, shall give notice to the licensee of the alleged violation or violations of this chapter or commission rules or alleged unfair trade practice or practices and inform the licensee of the opportunity to request a contested case hearing to be held in accordance with the procedures established for such hearings by Chapter 13 of Title 50. A citation issued by the commission may include an order to complete a course of study in real estate brokerage or instruction; to file periodic reports by an independent accountant on a real estate broker's designated trust account; or to pay a fine not to exceed $1,000.00 for each violation of this chapter or its rules and regulations, with fines for multiple violations limited to $5,000.00 in any one citation, or a combination of the above. If the licensee fails to request a hearing within 30 days of the date of service of the citation, the order contained in the citation shall be final. The failure of a licensee to comply with a final order contained in a citation may be cause for the imposition of a sanction on such person's license, after notice and opportunity for a hearing~~.~~; or

(3) Issue a letter of findings to the licensee if the alleged violation appears to have done no harm to a third party or to the public. Such letter of findings, which shall be served personally or by mail, shall give notice to the licensee of the alleged violation or violations of this chapter or commission rules or alleged unfair trade practice or practices. A letter of findings shall be confidential and shall not appear on the license history of a licensee. A letter of findings shall not be subject to a subpoena in a civil action, shall not constitute a public record or be available for inspection by the public, and shall not be disclosed to any person or agency, except as provided in subsection (d) of Code Section 43-40-27.

(c) The commission is authorized to promulgate rules and regulations to implement this Code section. Such rules may limit the provisions of this chapter and of its rules and

regulations and unfair trade practices which may be the basis for the issuance of a citation or a letter of findings."

Representative Powell of the 29th moved that the House agree to the Senate amendment to the House substitute to SB 365.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	N Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
N Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
N Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Jasperse	Y Pak	Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion the ayes were 152, nays 8.

The motion prevailed.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 114. By Senators Grant of the 25th, Staton of the 18th, Hooks of the 14th and Shafer of the 48th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to state license requirements and regulations for manufacture, distribution, and package sales, so as to provide for the issuance of a manufacturer's or distiller's license to a fruit grower for the manufacture of distilled spirits under certain circumstances; to provide for the issuance of a manufacturer's or distiller's license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 143. By Senators Henson of the 41st and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to massage therapy practice, so as to provide that an applicant for a license by endorsement shall provide certain information; to repeal certain obsolete provisions; to repeal conflicting laws; and for other purposes.

SB 227. By Senator Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school superintendents; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 236. By Senators Cowsert of the 46th, Crosby of the 13th, Williams of the 19th and Goggans of the 7th:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 40 of the O.C.G.A., relating to cancellation, suspension, and revocation of drivers' licenses, so as to provide for matters relative to drivers' licenses of persons convicted of driving under the influence; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as probation condition, so as to provide the courts with more authority with regard to the availability of ignition interlock device limited driving permits or probationary licenses and habitual violator probationary licenses for drivers convicted of a second DUI; to provide a court the ability to issue a certificate for such permits and licenses; to change provisions relating to proof of compliance with Code Section 42-8-111; and for other purposes.

SB 286. By Senators Heath of the 31st, Hill of the 4th, Stoner of the 6th, Hooks of the 14th and Murphy of the 27th:

A BILL to be entitled an Act to amend Code Section 47-2-292 of the Official Code of Georgia Annotated, relating to merit system of personnel administration for county revenue employees, membership in the Employees' Retirement System of Georgia, contributions, and credit for prior service, so as to provide that no person who first or again becomes a tax commissioner, tax collector, tax receiver, or an employee of any such officer on or after July 1, 2012, shall be eligible for membership in the Employees' Retirement System of Georgia; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 289. By Senators Rogers of the 21st, Millar of the 40th, Williams of the 19th and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require students to take one course containing online learning; to provide for the online administration of end-of-course assessments; to require local school systems to provide opportunities for participation in part-time and full-time virtual instruction programs; to establish a list of providers; to provide requirements for providers; to provide for a report by the Department of Education on digital learning methods; to provide for blended learning courses in charter schools which include online instruction; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 337. By Senators Goggans of the 7th, Unterman of the 45th, Cowsert of the 46th and Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for limitations on licensure requirements for certain health care providers; to prohibit the conditioning of certain licensing for health care providers on the participation in health insurance plans and other activities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 354. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Toombs County, approved February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3927), and an Act approved April 28, 2006 (Ga. L. 2006, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 470. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 1B of Title 43 of the Official Code of Georgia Annotated, relating to patient self-referral, so as to revise the definition of "rural area"; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 492. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing through competitive bidding, so as to require that state contract awards for heavy equipment follow certain specific procedures; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 537. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular

session of the General Assembly and printed in the 2012 Georgia Laws, so as to amend the powers of the mayor; to provide for a city administrator; to provide for powers and duties of the city administrator; to provide for an acting city administrator; to provide for emergencies; to provide for removal; to provide for vacancies; to provide for a referendum; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the Senate:

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Rogers of the 21st, Heath of the 31st, and Chance of the 16th.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 872. By Representatives Shaw of the 176th, Smith of the 131st, Brockway of the 101st, Ramsey of the 72nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to

a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 872

The Committee of Conference on HB 872 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 872 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Renee S. Unterman Senator, 45th District	/s/ J. Shaw Representative, 176th District
/s/ Joshua McKoon Senator, 29th District	/s/ Matt Ramsey Representative, 72nd District
/s/ Jack Murphy Senator, 27th District	/s/ Richard Smith Representative, 131st District

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to provide for definitions, procedures, conditions, limitations, and prohibitions relating to the buying and selling of regulated metal property; to provide that secondary metals recyclers shall only purchase coil and certain copper wire from certain persons; to provide that secondary metals recyclers shall only purchase burial objects from certain persons; to change certain provisions relating to records secondary metals recyclers are to required to maintain and provide to law enforcement; to change certain provisions relating to inspections by law enforcement officers; to change certain provisions relating to payment by secondary metals recyclers for regulated metal property; to provide for powers, duties, and authority of sheriffs and other law enforcement officers; to provide for registration and fees; to provide for certain data bases to be created and maintained and certain forms and rules and regulation to be promulgated therefor; to provide for criminal offenses and penalties; to provide for forfeiture of certain property and procedure therefor; to provide for local regulation of the

sale and purchase of regulated metal property; to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to make certain changes for purposes of conformity; to amend Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts; to provide for verification that a vehicle is not subject to any secured interest or lien; to provide for additional changes to said Code section, relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts and verification that a vehicle is not subject to any secured interest or lien, subject to a contingency; to provide for definitions; to amend Code Section 40-3-56 of the Official Code of Georgia Annotated, relating to satisfaction of security interests and liens, so as to change certain provisions relating to the release of security interests and liens; to provide for related matters; to provide effective dates and contingencies; to provide for applicability; to amend an Act approved May 11, 2011 (Ga. L. 2011, p. 355), relating to drivers' licenses, so as to revise effective dates and a funding contigency; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by revising Article 14, relating to secondary metals recyclers, to read as follows:

"ARTICLE 14

10-1-350.

As used in this article, the term:

(1) 'Aluminum property' means aluminum forms designed to shape concrete.

(2) 'Burial object' means any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.

(3) 'Coil' means any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.

(4) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

(5) 'Deliverer' means any individual who takes or transports the regulated metal property to the secondary metals recycler.

~~(1)~~(6) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

~~(2)~~(7) 'Law enforcement officer' means any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

~~(3)~~(8) 'Nonferrous metals' means stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

~~(4)~~(9) 'Person' means an individual, partnership, corporation, joint venture, trust, association, ~~and~~ or any other legal entity.

~~(5)~~(10) 'Personal identification card' means a current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or ~~an appropriate~~ a current work authorization issued by the ~~U.S. Citizenship and Immigration Services of the Department of Homeland Security~~ federal government, which shall contain the individual's name, address, and photograph.

~~(6)~~(11) 'Purchase transaction' means a transaction in which ~~a~~ the secondary metals recycler gives consideration in exchange for regulated metal property.

~~(7)~~(12) 'Regulated metal property' means any item composed primarily of any ferrous metals or nonferrous metals~~,~~ and includes aluminum property, copper property, and catalytic converters but shall not include batteries, aluminum beverage containers, used beverage containers, or similar beverage containers.

~~(8)~~(13) 'Secondary metals recycler' means any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for ~~ferrous or nonferrous metals~~ regulated metal property that ~~have~~ has served ~~their~~ its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ~~ferrous metals or nonferrous metals are~~ regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(14) 'Seller' means the rightful owner of the regulated metal property or the individual authorized by the rightful owner of the regulated metal property to conduct the purchase transaction.

10-1-351.

(a) No secondary metals recycler shall purchase any coil unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his or her valid license at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A seller with verifiable documentation, such as a receipt or work order, indicating that the coils are the result of a replacement of condenser coils or a heating or air-

conditioning system performed by a contractor licensed pursuant to Chapter 14 of Title 43; or

(3) A secondary metals recycler who provides the documentation required in paragraphs (1) and (2) of this subsection received from a contractor or seller.

(b) No secondary metals recycler shall purchase any copper wire which appears to have been exposed to heat, charred, or burned in an attempt to remove insulation surrounding it unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 who provides a copy of his or her valid license at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A seller with a copy of a police report showing that such seller's real property was involved in a fire; or

(3) A secondary metals recycler who provides the documentation required in paragraphs (1) and (2) of this subsection received from a contractor or seller.

10-1-352.

No secondary metals recycler shall purchase a burial object unless it is purchased from:

(1) A funeral director licensed under the provisions of Chapter 18 of Title 43 or by another state who provides a copy of his or her valid license at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A cemetery owner registered pursuant to Code Section 10-14-4 or with another state who provides a copy of his or her valid registration at the time of sale that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied registration is on file with the secondary metals recycler;

(3) A manufacturer or distributor of burial objects who provides a copy of his or her valid business license at the time of sale that is scanned or photocopied by the secondary metals recycler and a letter from the owner or operator of the manufacturing or distributing business expressly recognizing the seller as an employee or authorized agent of the manufacturer or distributor or whose scanned or photocopied business license and letter are on file with the secondary metals recycler;

(4) A seller with verifiable documentation, such as a receipt from or contract with a licensed funeral director, registered cemetery owner, or manufacturer or distributor of burial objects, evidencing that such person is the rightful owner of the burial object; or

(5) A secondary metals recycler who provides the documentation required in paragraphs (1) through (4) of this Code section received from a funeral director, cemetery owner, manufacturer or distributor of burial objects, or a seller.

~~10-1-351.~~ 10-1-353.

(a) A secondary metals recycler shall maintain a legible record of all purchase transactions ~~to which such secondary metals recycler is a party~~. Such record shall include the following information:

(1) The name and address of the secondary metals recycler;

(2) The date of the transaction;

(3) The weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For purposes of this paragraph, the term 'type of regulated metal property' shall include a general physical description, such as wire, tubing, extrusions, or castings;

(4) A digital photograph or photographs or a digital video image or images of the regulated metal property which shows the regulated metal property in a reasonably clear manner;

~~(4)~~(5) The amount of consideration given in a purchase transaction for the regulated metal property and a copy of the check or voucher or documentation evidencing the electronic funds transfer given as consideration for such purchase transaction;

~~(5)~~(6) A signed and sworn affidavit from the ~~person receiving consideration in the purchase transaction~~ seller stating that ~~he or she~~ such person is the rightful owner of the regulated metal property or ~~is entitled~~ has been authorized to sell the regulated metal property being sold;

(7) A signed and sworn affidavit from the seller stating that he or she understands that: 'A secondary metals recycler is any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value. No ferrous metals, nonferrous metals, aluminum property, copper property, or catalytic converters (batteries, aluminum beverage containers, used beverage containers, or similar beverage containers are exempt) may be purchased by a secondary metals recycler unless such secondary metals recycler is a holder of a valid permit issued pursuant to Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

~~(6)~~(8) A ~~photocopy~~ scanned or photocopied copy of a valid personal identification card of the ~~person delivering the regulated metal property to the secondary metals recycler~~ seller and the deliverer, if such person is different from the seller;

(9) A photograph, videotape, or digital recording depicting a recognizable facial image of the seller and the deliverer, if such person is different from the seller, employing technology allowing the image to be retained in electronic storage and in a transferable format;

~~(7)~~(10) The distinctive number from, and type of, the personal identification card of the ~~person delivering the regulated metal property to the secondary metals recycler~~ seller and the deliverer, if such person is different from the seller; ~~and~~

~~(8)~~(11) The vehicle license tag number or vehicle identification number, state of issue, and the type of vehicle, if available, used to deliver the regulated metal property to the secondary metals recycler. For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup truck, van, or truck; and

(12) A scanned or photocopied copy of the verifiable documentation, reports, licenses, and registrations, required pursuant to Code Sections 10-1-351 and 10-1-352.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction.

(c) When the metal being purchased is a motor vehicle, the ~~person offering to sell the motor vehicle to a secondary metals recycler~~ seller shall either provide the title to such motor vehicle or fully execute a ~~cancellation of certificate of title for scrap vehicles~~ statement on a form as promulgated by the Department of Revenue~~, Motor Vehicle Division, designated as MV-1SP,~~ in accordance with Code Section 40-3-36. The secondary metals recycler shall forward the title or ~~MV-1SP~~ form to the Department of Revenue within 72 hours of receipt of the title or form.

(d) It shall be unlawful to make a false statement in executing the affidavit required by either paragraph (6) or (7) of subsection (a) of this Code section, and the making of a false statement shall be punishable as an act of false swearing under Code Section 16-10-71.

~~10-1-352.~~ 10-1-354.

During the usual and customary business hours of a secondary metals recycler, a law enforcement officer shall, after properly identifying himself or herself as a law enforcement officer, have the right to inspect:

(1) Any and all ~~purchased~~ regulated metal property in the possession of the secondary metals recycler; and

(2) Any and all records required to be maintained under Code Section ~~10-1-351~~ 10-1-353.

~~10-1-352.1.~~ 10-1-355.

~~(a) As used in this Code section, the terms:~~

~~(1) 'Aluminum property' means aluminum forms designed to shape concrete.~~

~~(2) 'Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.~~

~~(b) A secondary metals recycler may pay by check or by cash for any copper property, catalytic converter, or aluminum property as follows:~~

~~(1) Cash payments shall occur no earlier than 24 hours after the copper property, catalytic converter, or aluminum property is provided to the secondary metals recycler; and~~

~~(2) Checks shall be payable only to the person named who was recorded as delivering the copper property, catalytic converter, or aluminum property to the secondary~~

~~metals recycler; provided, however, that if such person is delivering the copper property, catalytic converter, or aluminum property on behalf of a governmental entity or a nonprofit or for profit business, the check may be payable to such business or entity and may also be transmitted to such business or entity.~~

(a) A secondary metals recycler shall pay only by check, electronic funds transfer, or voucher for regulated metal property.

(b) Any check, electronic funds transfer, or voucher shall be payable only to the person recorded as the seller of the regulated metal property to the secondary metals recycler.

(c) Any voucher shall be provided to the seller at the time of the purchase transaction or mailed to the seller at the address indicated on the personal identification card of the seller presented at the time of such transaction. If the voucher is provided to the seller at the time of the purchase transaction and not mailed to the seller, the secondary metals recycler shall not redeem the voucher for three days from the date of the purchase transaction. The voucher shall include the date of purchase, name of the seller, the amount paid for the regulated metal property, a detailed description of the regulated metal property purchased, information as to whether the voucher was mailed or provided at the time of the purchase transaction, the first date on which the voucher may be redeemed, and the date on which the voucher expires. The voucher may only be redeemed for cash by the person whose name appears on the voucher as the seller or by such person's heirs or legal representative. If a voucher is not redeemed by the person whose name appears on the voucher as the seller or by such person's heirs or legal representative within six months of the date of the transaction, the voucher shall expire and the secondary metals recycler shall not be required to honor the voucher after the expiration date.

(d) A secondary metals recycler shall be prohibited from: (1) redeeming or cashing any check or electronic funds transfer paid to a seller for regulated metal property; and (2) providing or permitting any mechanism on the premises of the secondary metals recycler for the redemption or cashing of any check or electronic funds transfer.

~~(c)~~(e) The provisions of this Code section shall not apply to any transaction between business entities.

~~10-1-353.~~ 10-1-356.

(a) Whenever a law enforcement officer has reasonable cause to believe that any item of regulated metal property in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the notice issued in accordance with this Code section, the secondary metals recycler receiving the notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the premises of or place of

business of the secondary metals recycler for 15 calendar days after receipt of the notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the 15 day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice shall be in writing, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated metal property that are believed to have been stolen and that are subject to the extended hold notice, and shall inform the secondary metals recycler of the information contained in this Code section. Upon receipt of the extended hold notice issued in accordance with this Code section, the secondary metals recycler receiving the extended hold notice shall not process or remove the items of regulated metal property identified in the notice, or any portion thereof, from the premises of or place of business of the secondary metals recycler for 30 calendar days after receipt of the extended hold notice by the secondary metals recycler, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this Code section, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the regulated metal property unless other disposition has been ordered by a court of competent jurisdiction.

~~10-1-354.~~ 10-1-357.

(a) If the secondary metals recycler contests the identification or ownership of the regulated metal property, the party other than the secondary metals recycler claiming ownership of any regulated metal property in the possession of a secondary metals recycler may, provided that a timely report of the theft of the regulated metal property was made to the proper authorities, bring an action in the superior or state court of the county in which the secondary metals recycler is located. The petition for such action shall include a description of the means of identification of the regulated metal property utilized by the petitioner to determine ownership of the regulated metal property in the possession of the secondary metals recycler.

(b) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has complied with the provisions of this article, and the ~~person who sold the regulated metal property to the secondary metals recycler~~ seller or deliverer is convicted of theft by taking, theft by conversion, a violation of this article, theft by receiving stolen property, or criminal damage to property in the first degree, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the secondary metals recycler or lawful owner, as appropriate.

~~(c) When a lawful owner recovers stolen regulated metal property from a secondary metals recycler who has knowingly and intentionally not complied with the provisions of this article, and the secondary metals recycler is convicted of theft by taking, theft by conversion, theft by receiving stolen property, or a violation of this article, the court shall order the defendant to make full restitution, including, without limitation, attorneys' fees, court costs, and other expenses to the lawful owner.~~

~~10-1-355.~~ 10-1-358.

This article shall not apply to purchases of regulated metal property from:

(1) Organizations, corporations, or associations registered with the state as charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organizations or associations or from any nonprofit corporations or associations;

(2) A law enforcement officer acting in an official capacity;

(3) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof of such status to the secondary metals recycler;

(4) Any public official acting under judicial process or authority who has presented proof of such status to the secondary metals recycler;

(5) A sale on the execution, or by virtue, of any process issued by a court if proof thereof has been presented to the secondary metals recycler; or

(6) A manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business, provided that such vendor is not a secondary metals recycler.

~~10-1-356.~~ 10-1-359.

It shall be unlawful for:

(1) A secondary metals recycler to engage in the purchase or sale of regulated metal property between the hours of ~~9:00~~ 7:00 P.M. and ~~6:00~~ 7:00 A.M.; and

(2) Any person ~~to give a false statement of ownership or~~ to give a false or altered ~~identification or vehicle tag number and receive money or other consideration from a secondary metals recycler in return for regulated metal property~~ personal identification card, vehicle license tag number, or vehicle identification number to a secondary metals recycler as part of a purchase transaction.

10-1-360.

(a) It shall be unlawful for any secondary metals recycler to purchase regulated metal property in any amount without being registered pursuant to this Code section. If the secondary metals recycler is a person other than an individual, such person shall register with the sheriff of each county in which the secondary metals recycler maintains a place of business. If the secondary metals recycler is an individual, he or she shall register with the sheriff of the county in which he or she resides or if such individual is a nonresident of this state, he or she shall register with the sheriff of the county in Georgia where he or she primarily engages or intends to primarily engage in business as a secondary metals recycler. The secondary metals recycler shall declare on a form promulgated by the Secretary of State and provided by the sheriff that such secondary metals recycler is informed of and will comply with the provisions of this article. The forms and information required for such registration shall be promulgated by the Secretary of State. The sheriff shall register the secondary metals recycler and shall keep a record of each registration. Each registration shall be valid for a 12 month period.

(b) The record of each registration shall be entered into an electronic data base accessible statewide. Such data base shall be established through coordination with the Secretary of State and shall be searchable by all law enforcement agencies in this state.

(c) The sheriff shall be authorized to:

(1) Assess and require payment of a reasonable registration fee prior to registering the secondary metals recycler, not to exceed $200.00;

(2) Delegate to personnel in the sheriff's office the registration of secondary metals recyclers and entering into the data base of the records of such registrations; and

(3) Enter into contracts with the governing authority of a county, municipality, or consolidated government for such governing authority to provide for the registration of secondary metals recyclers and the entering into the data base of the records of such registrations by other law enforcement agencies or by staff of the governing authority. Any such contract shall provide for reimbursement to such governing authority for the registrations or entry of the records of such registrations into the data base.

(d) Any secondary metals recycler convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

~~10-1-357.~~ 10-1-361.

~~(a) Any person selling regulated metal property to a secondary metals recycler in violation of any provision of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds $500.00, in which case such person shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than $5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

~~(b) Any secondary metals recycler knowingly and intentionally engaging in any practice which constitutes a violation of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds $500.00, such secondary metals recycler shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than $5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

(a) Except as provided for in subsection (d) of Code Section 10-1-360, any person who buys or sells regulated metal property in violation of any provision of this article:

(1) For a first offense, shall be guilty of a misdemeanor;

(2) For a second offense, shall be guilty of a misdemeanor of a high and aggravated nature; and

(3) For a third or subsequent offense, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years.

(b) Any person who buys or sells regulated metal property in violation of any provision of this article shall be liable in a civil action to any person who was the victim of a crime involving such regulated metal property for the full value of the regulated metal property, any repairs and related expenses incurred as a result of such crime, litigation expenses, and reasonable attorneys' fees.

10-1-362.

(a) As used in this Code section, the term:

(1) 'Crime' means:

(A) Theft by taking in violation of Code Section 16-8-2, theft by conversion in violation of Code Section 16-8-4, or theft by receiving stolen property in violation of Code Section 16-8-7 if the subject of the theft was regulated metal property;

(B) Criminal damage to property in the first degree in violation of paragraph (2) of subsection (a) of Code Section 16-7-22; or

(C) A criminal violation of this article.

(2) 'Proceeds' shall have the same meaning as set forth in Code Section 16-13-49.

(3) 'Property' shall have the same meaning as set forth in Code Section 16-13-49.

(b) The following are declared to be contraband, and no person shall have a property right in them:

(1) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a crime and any proceeds derived or realized therefrom; and

(2) Any weapon possessed, used, or available for use in any manner to facilitate a crime.

(c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall be forfeited in accordance with the procedures set forth in Code Section 16-13-49.

~~10-1-358.~~ 10-1-363.

(a) The General Assembly finds that this article is a matter of state-wide concern. This article supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted by any county, municipality, consolidated government, or other local governmental agency regarding the sale or purchase of regulated metal property except as allowed in this Code section.

(b) Political subdivisions of this state may enact rules, regulations, codes, ordinances, and other laws:

(1) Affecting the land use and zoning relating to secondary metals recyclers; and

(2) Issuing occupational tax certificates to secondary metals recyclers, imposing occupational taxes, imposing regulatory fees as allowed in Code Section 48-13-9, or revoking their occupational tax certificates."

SECTION 1-2.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, is amended by revising paragraph (9) of subsection (a) of Code Section 16-8-12, relating to penalties for violation of Code Sections 16-8-2 through 16-8-9, as follows:

"(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was ~~ferrous metals or~~ regulated metal property, as such ~~terms are~~ term is defined in Code Section 10-1-350, and the sum of the aggregate amount of such property, in its original and undamaged condition, plus any reasonable costs which are or would be incurred in the repair or the attempt to recover any property damaged in the theft or removal of such regulated metal property, exceeds $500.00, by imprisonment for not less than one nor more than five years, a fine of not more than $5,000.00, or both."

SECTION 1-3.

Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, is amended by revising paragraphs (2) and (3) of subsection (a) as follows:

"(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is worth $850.00 or less and is at least 12 model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section 43-43-1. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle including the year, make, model, vehicle identification number, and color;

(C) The name, address, and driver's license number of the owner;

(D) A certification that the owner:

(i) Never obtained a title to the vehicle in his or her name; or

(ii) Was issued a title for the vehicle, but the title was lost or stolen;

(E) A certification that the vehicle:

(i) Is worth $850.00 or less;

(ii) Is at least 12 model years old; and

(iii) Is not subject to any secured interest or lien;

(F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than $1,000.00 nor more than $5,000.00, or both, to knowingly falsify any information on this statement;

(G) The owner's signature and the date of the transaction;
(H) The name, address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;
(I) A certification by the business that $850.00 or less was paid to acquire the vehicle; ~~and~~
(J) A certification that the business has verified by an on-line method determined by the commissioner that the vehicle is not currently subject to any secured interest or lien; provided, however, that such certification shall not be required until such an on-line method has been established and is available; and
~~(J)~~(K) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.
(3)(A) The secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the Georgia certificate of title and registration.
(B) Notwithstanding the requirement to mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department, the department shall provide a mechanism for the receipt of the information required to be obtained in the statement by electronic means, at no cost to the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor, in lieu of the physical delivery of the statement, in which case the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall maintain the original statement for a period of not less than two years.
(C) Within 48 hours of each day's close of business, the secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, either by facsimile or by other electronic means to be made available by the department by January 1, 2012, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:
(i) The name, address, and contact information for the reporting entity;
(ii) The vehicle identification numbers of such vehicles;
(iii) The dates such vehicles were obtained;
(iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;
(v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;
(vi) A statement of whether the vehicle is intended for export out of the United States; and
(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

There shall be no charge to ~~either~~ a secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor associated with providing this information to the department.

(D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible, in which case the purchasing or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or contract between the seller and the purchasing or receiving secondary metals recycler, used motor vehicle parts dealer, or scrap metal processor which clearly identifies the seller by a government issued photograph identification card, or employer identification number, and shall be maintained for a period of not less than two years.

(E) The information obtained by the department in accordance with this subsection shall be reported to the National Motor Vehicle Title Information System, in a format which will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(F) The information obtained by the department in accordance with this subsection shall be made available only to law enforcement agencies, and for purposes of canceling certificates of title, and shall otherwise be considered to be confidential business information of the respective reporting entities.

(G) All records required under the provisions of this Code section shall be maintained for a period of two years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state issued identification card."

SECTION 1-4.

Said Code section is further amended by adding a new subsection to read as follows:

"(j) As used in this Code section, the terms:

(1) 'Scrap metal processor' shall have the same meaning as set forth in Code Section 43-43-1.

(2) 'Secondary metals recycler' shall have the same meaning as set forth in Code Section 10-1-350.

(3) 'Used motor vehicle parts dealer' shall have the same meaning as set forth in Code Section 43-47-2."

SECTION 1-5.

Code Section 40-3-56 of the Official Code of Georgia Annotated, relating to satisfaction of security interests and liens, is amended by revising paragraph (1) of subsection (a) and revising subsection (c) as follows:

"(a)(1) If any security interest or lien listed on a certificate of title is satisfied, the holder thereof shall, within ten days ~~after demand~~, execute a release in the form the commissioner prescribes and mail or deliver the release to the commissioner and the owner, provided that as an alternative to a handwritten signature, the commissioner may authorize use of a digital signature as long as appropriate security measures are implemented which assure security and verification of the digital signature process, in accordance with regulations promulgated by the commissioner. For the purposes of the release of a security interest or lien the 'holder' of the lien or security interest is the parent bank or other lending institution and any branch or office of the parent institution may execute such release."

"(c) Except for liens and security interests listed on certificates of title for mobile homes, cranes, or vehicles which weigh more than 10,000 pounds gross vehicle weight, which shall be satisfied only in conformity with subsections (a) and (b) of this Code section, any lien or security interest for a vehicle which is 11 model years old or less shall be considered satisfied and release shall not be required after ten years from the date of issuance of a title on which such lien or security interest is listed. For a vehicle which is 12 model years old and greater, any lien or security interest shall be considered satisfied and a release shall not be required after four years from the date of issuance of a title on which such lien or security interest is listed. None of the provisions of this Code section shall preclude the perfection of a new lien or security agreement, or the perfection of an extension of a lien or security agreement beyond a period of ten years for a vehicle which is 11 model years old or less or beyond a period of more than four years for a vehicle which is 12 model years old or greater, by application for a new certificate of title on which such lien or security agreement is listed. In order to provide for the continuous perfection of a lien or security interest originally entered into for a period of more than ten years for a vehicle which is 11 model years old or less or more than four years for a vehicle which is 12 model years old and greater, other than a mobile home, crane, or vehicle which weighs more than 10,000 pounds gross vehicle weight, an application for a second title on which the lien or security interest is listed must be submitted to the commissioner or the commissioner's duly authorized tag agent before ten years from the date of the original title on which such lien or security interest is listed. Otherwise the lien or security interest shall be perfected as of the date of receipt of the application by the commissioner or the commissioner's duly authorized county tag agent."

PART II
SECTION 2-1.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by adding a new Code section to read as follows:

"10-1-360.1.

(a) Each secondary metals recycler shall provide all of the information required by subsection (a) of Code Section 10-1-353 for each transaction, except for the amount of

consideration given in a purchase transaction for the regulated metal property specified in paragraph (5) of subsection (a) of such Code section, to the Georgia Bureau of Investigation.
(b) The Georgia Bureau of Investigation shall establish and maintain a data base of all information required to be provided pursuant to subsection (a) of this Code section. Such data base shall be accessible and searchable by all law enforcement agencies in this state. The Georgia Bureau of Investigation shall promulgate rules and regulations and establish procedures necessary to carry into effect, implement, and enforce the provisions of this Code section. Such rules and regulations shall include, but shall not be limited to, the time, manner, and method of the transmittal of the information by the secondary metals recyclers to the Georgia Bureau of Investigation."

PART IV
SECTION 4-1.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2012, and shall apply to all offenses committed on or after such date.
(b) Part II of this Act shall become effective only upon the effective date of a specific appropriation of funds for the purposes of this Act as expressed in a line item making specific reference to such funds in a General Appropriations Act enacted by the General Assembly.

SECTION 4-2.
(1) An Act approved May 11, 2011 (Ga. L. 2011, p. 355) is amended by revising Section 21 as follows:

"SECTION 21.
(a) Sections 1 through 22 of this Act shall become effective on January 1, 2012.
(b) Section .2 of this Act shall become effective only upon the effective date of a specific appropriation of funds for the purposes of Section .2 of this Act as expressed in a line item making specific reference to the full funding of Section .2 of this Act in an appropriations Act enacted by the General Assembly.
(c)(1) Paragraph (2) of subsection (a) of Code Section 40-3-36, as amended in Section .1 of this Act, shall become effective on January 1, 2012.
(2) All other provisions of Section .1 shall become effective on July 1, 2012."

SECTION 4-3.
All laws and parts of laws in conflict with this Act are repealed.

Representative Shaw of the 176th moved that the House adopt the report of the Committee of Conference on HB 872.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	N Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	N Horne	N Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	N Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Clark, V	Y Harbin	Y Long	Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Harrell	Y Manning	Y Rogers, T	E Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 159, nays 8.

The motion prevailed.

Representative Weldon of the 3rd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 175. By Representatives Casas of the 103rd, Harrell of the 106th, Davis of the 109th, Brockway of the 101st, Nix of the 69th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," so as to enact the "Online Clearinghouse Act"; to create a clearinghouse through which local school systems may offer their computer-based courses to students of other local school systems; to provide for definitions; to provide for procedures and requirements for offering a course through the clearinghouse; to provide for enrollment in virtual courses offered through the clearinghouse; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitutes to the following bills of the Senate:

SB 113. By Senator Carter of the 1st:

A BILL to be entitled an Act to provide for local government contracting powers and related requirements; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to clarify that the authority of municipal corporations to enter into certain contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; to change certain provisions relating to definitions relative to public works bidding; to amend Chapter 37 of Title 50 of the Official Code of Georgia Annotated, relating to guaranteed energy savings performance contracts, so as to clarify that the authority of counties and municipal corporations to enter into such contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; and for other purposes.

SB 410. By Senators Williams of the 19th, Mullis of the 53rd, Rogers of the 21st, Jeffares of the 17th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 3 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to an accountability assessment for K-12 education, so as to provide for annual indicators of the quality of learning by students, financial efficiency, and school climate for individual schools and for school systems; to provide for individual school and school system numerical score ratings based on student achievement, achievement gap closure, and student progress; to require that a letter grade be assigned to each school and school system and included on school and school system report cards; to revise provisions relating to awards

and interventions; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 464. By Senators Ligon, Jr. of the 3rd and Jackson of the 2nd:

A BILL to be entitled an Act to amend Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to crabs, so as to limit the number of commercial crabbing licenses issued; to provide for the requirement of a court document when transferring a commercial crabbing licenses upon a death; to provide for the sale of commercial crabbing licenses in certain instances; to provide for specific penalties for the unlawful taking of crabs from the traps of another; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the reports of the Committees of Conference thereon:

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 33

The Committee of Conference on SB 33 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 33 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ David Shafer
Senator, 48th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Allison
Representative, 8th District

/s/ Joshua McKoon
Senator, 29th District

/s/ Martin
Representative, 47th District

/s/ Jack Hill
Senator, 4th District

/s/ Mike Cheokas
Representative, 134th District

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for automatic repeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," is amended by adding a new Code section to read as follows:

"45-12-75.1.

(a) The Governor in preparing his or her budget report under Code Section 45-12-75, and budget units in preparing their budget estimates under Code Section 45-12-78, shall make use of zero-base budgeting as provided in this Code section. The requirements of this Code section shall apply to the budget report presented to the General Assembly in January of 2013 and each year thereafter.

(b) It is the intent of this Code section that in any given year the Governor's budget report shall include zero-base budgeting for the agencies and programs as identified by the House Budget Office and Senate Budget Office in consultation with The Governor's Office of Planning and Budget. The House Budget Office and Senate Budget Office in consultation with The Governor's Office of Planning and Budget shall require each agency to use zero-base budgeting at least once every ten years and shall not require any agency or program to use zero-base budgeting more often than once every eight years. The House Budget Office and Senate Budget Office in consultation with The Governor's Office of Planning and Budget shall balance the number of agencies and programs submitting zero-base budgets with staff available for preparing a budget and staff available for conducting review and analysis of the budget submission. The Governor and the Office of Planning and Budget shall prescribe the forms and format for zero-base budgets and serve as the entity designated for coordinating the preparation of zero-base budgets by the executive branch.

(c) In the years in which zero-base budgeting applies, each budget unit shall include in its budget estimate an analysis summarizing the prior two fiscal years and proposed

spending plans by program, object class, and revenue source. Information presented shall include the following:

(1) A statement of the budget unit's departmental and program purposes; effectiveness, efficiency, and equity measures; and program size indicators; and

(2) A priority listing encompassing all alternative funding levels for all programs.

(d) In the years in which an agency or program submits a zero-base budget, the Governor shall include in the budget report relevant materials related to each budget unit's submission under subsection (c) of this Code section and such other relevant material as deemed appropriate by the Governor.

(e) Without in any way limiting the generality of the other provisions of this Code section, it is specifically provided that the Board of Regents of the University System of Georgia shall be a budget unit subject to this Code section and the programs of the board of regents shall be periodically subject to zero-base budgeting as provided for in this Code section and in keeping with the Constitution.

(f) Without in any way limiting the generality of the other provisions of this Code section, it is specifically provided that in the budget report presented to the General Assembly in January of 2013 the Department of Education's budget shall be submitted as a zero-base budget according to the guidelines contained in this Code section.

(g) The judicial branch is encouraged to participate in the zero-base budgeting process.

(h) The Joint Fiscal Affairs Subcommittee, as authorized under Code Section 28-5-23, may review all information and materials related to any zero-base budget request to include hearings as necessary.

(i) The Office of Planning and Budget and the Joint Fiscal Affairs Subcommittee shall maintain effectiveness, efficiency, and equity measures related to zero-base budgeting.

(j) This Code section shall be automatically repealed on June 30, 2020, unless reauthorized by the General Assembly."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Allison of the 8th moved that the House adopt the report of the Committee of Conference on SB 33.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C

Y Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Brooks
Y Bruce
Y Bryant
N Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
Y Crawford
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
N Evans
N Floyd
Fludd
N Frazier
Y Fullerton
Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
N Heard
N Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Hudson
N Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Jones, J
Y Jones, S
Y Jordan
N Kaiser
N Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y Mitchell
N Morgan
Y Morris
N Mosby
N Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Smith, E
Y Smith, K
Y Smith, L
Smith, R
Y Smith, T
N Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
N Stephenson
Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
N Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 141, nays 22.

The motion prevailed.

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 875

The Committee of Conference on HB 875 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 875 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Bulloch
Senator, 11th District

/s/ Balfour
Senator, 9th District

/s/ Mullis
Senator, 53rd District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Knight
Representative, 126th District

/s/ McCall
Representative, 30th District

/s/ Williams
Representative, 52nd District

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to provide that certain records of the Georgia Government Transparency and Campaign Finance Commission may not be subject to public inspection; to provide for filings with, fees of, and notices by the commission; to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required for certain records and disclosure of exempting legal authority, so as to exempt certain records of the Department of Agriculture from disclosure; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended in Code Section 21-5-6, relating to powers and duties of the Georgia Government Transparency and Campaign Finance Commission, by adding a new paragraph in subsection (a) to read as follows:

"(5.1) In the discretion of the commission, to seal any records of the commission relating to a concluded investigation of an alleged or suspected violation if that investigation resulted in a determination by the commission either that no violation occurred or that only a technical defect in a filing occurred in accordance with Code Section 21-5-7.1. Any records so sealed shall not be open to public inspection under Article 4 of Chapter 18 of Title 50;"

SECTION 2.

Said chapter is further amended in Code Section 21-5-50, relating to filings by public officers, filings by candidates for public office, filings by elected officials and members of the General Assembly, electronic filing, and transfer of filings from the Secretary of State to the commission, by adding a new subsection to read as follows:

"(f.1)(1) The commission shall not give public notice stating that a filing required by this Code section was made late or was otherwise deficient until at least 30 days after the deadline for filing.

(2) The commission may provide by rule or regulation for the waiver of late fees imposed under subsection (f) of this Code section."

SECTION 3.

Said chapter is further amended in Code Section 21-5-71, relating to lobbyist registration requirements, application for registration, supplemental registration, expiration, docket, fees, identification cards, public rosters, and exemptions, by adding a new subparagraph in paragraph (2) of subsection (f) to read as follows:

"(F) The commission may provide by rule or regulation for the waiver of late fees imposed under subparagraphs (D) and (E) of this paragraph."

SECTION 4.

Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, is amended by adding a new subsection to read as follows:

"(k) Records maintained by the department concerning individuals applying for, or in possession of, any license, registration, permit, stamp, or permission issued by the department under this title that reveal an individual's photograph or digitized image, social security number, date of birth, driver's identification number, home address, home telephone number, personal e-mail address, personal mobile telephone number, personal text number, medical or disability information, bank account numbers, account or identification number issued or used by any federal or state governmental agency or

private financial institution, employment history, height, weight, race, or other physical details, signature, biometric identifiers, and any credit records or reports are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that such records may be provided to public or private entities performing activities under an agreement with the department and such records shall remain exempt from public inspection. Such records shall also be provided, upon request, to any judge, law enforcement agency, or prosecuting official for use in the investigation or prosecution of alleged criminal or unlawful activity, and such records may be provided to other governmental entities for official use. Individuals applying for any license, registration, permit, stamp, or permission issued by the department under this title related to a business may indicate on the application that the department may reveal the address, telephone number, and e-mail address given for the business, even if these are the same as the individual's home address, telephone number, personal e-mail address, personal mobile telephone number, or personal text number."

SECTION 5.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required for certain records and disclosure of exempting legal authority, is amended by adding a new paragraph in subsection (a) to read as follows:

"(10.4) Records, data, or information compiled and maintained by the Department of Agriculture regarding applicants for or recipients of certification for taxation purposes as a qualified agriculture producer as defined in Code Section 48-8-3.3; provided, however, that nothing in this paragraph shall prevent the release of such records, data, or information to a law enforcement officer, prosecutor, or judge or another state or federal agency for use in the investigation or prosecution of alleged criminal or unlawful activity or for other official use;"

SECTION 6.

Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, is amended by revising subsection (g) as follows:

"(g) All records of the department made or kept pursuant to this Code section shall be public records; provided, however, that the records maintained by the department concerning individuals applying for, or in possession of, any license, registration, permit, stamp, or permission issued by the department under this title that reveal an individual's photograph or digitized image, social security number, date of birth, driver's identification number, home address, home telephone number, personal e-mail address, personal mobile telephone number, personal text number, medical or disability information, bank account numbers, account or identification number issued or used by any federal or state governmental agency or private financial institution, employment history, height, weight, race, or other physical details, signature, biometric identifiers, and any credit records or reports are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that such records may be provided to public or private entities performing activities under an agreement with

the department and such records shall remain exempt from public inspection. Such records shall also be provided, upon request, to any judge, law enforcement agency, or prosecuting official for use in the investigation or prosecution of alleged criminal or unlawful activity, and such records may be provided to other governmental entities for official use. Individuals applying for any license, registration, permit, stamp, or permission issued by the department under this title related to a business may indicate on the application that the department may reveal the address, telephone number, and e-mail address given for the business, even if these are the same as the individual's home address, telephone number, personal e-mail address, personal mobile telephone number, or personal text number."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

Representative Knight of the 126th moved that the House adopt the report of the Committee of Conference on HB 875.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	N Davis	N Heckstall	N Mayo	N Setzler
N Abrams	N Dawkins-Haigler	N Hembree	Y McBrayer	N Shaw
N Allison	N Dempsey	N Henson	Y McCall	N Sheldon
E Amerson	N Dickerson	N Hightower	Y McKillip	N Sims, B
E Anderson	N Dickey	N Hill	N Meadows	N Sims, C
N Ashe	N Dickson	N Holcomb	N Mitchell	N Smith, E
N Atwood	N Dobbs	N Holmes	N Morgan	N Smith, K
N Baker	N Dollar	N Holt	Y Morris	N Smith, L
N Battles	N Drenner	N Horne	N Mosby	N Smith, R
N Beasley-Teague	N Dudgeon	N Houston	N Murphy	N Smith, T
N Bell	N Dukes	N Howard	N Neal, J	N Smyre
N Benfield	N Dunahoo	Hudson	N Neal, Y	N Spencer
N Benton	N Dutton	N Hugley	N Nimmer	N Stephens, M
N Beverly	N Ehrhart	N Jackson	N Nix	N Stephens, R
Y Black	N England	Y Jacobs	N Oliver	N Stephenson
N Braddock	N Epps, C	E James	N O'Neal	N Talton
N Brockway	N Epps, J	N Jasperse	N Pak	Y Tankersley
N Brooks	N Evans	N Jerguson	N Parent	N Taylor, D
N Bruce	N Floyd	N Johnson	N Parrish	N Taylor, R
Bryant	N Fludd	Jones, J	N Parsons	N Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	N Teasley
Y Burns	N Fullerton	Jordan	Y Powell, A	N Thomas
Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
N Carson	Y Geisinger	N Kendrick	Y Pruett	N Watson
Y Carter	N Golick	E Kidd	Y Purcell	N Welch
N Casas	N Gordon	N Kirby	N Ramsey	Y Weldon
N Channell	N Greene	Y Knight	N Randall	N Wilkerson
N Cheokas	N Hamilton	N Lane	N Reece	Y Wilkinson
N Clark, J	N Hanner	Lindsey	N Rice	N Willard
N Clark, V	N Harbin	N Long	N Riley	N Williams, A
N Coleman	N Harden, B	N Maddox, B	Y Roberts	N Williams, C

N Collins	N Harden, M	Y Maddox, G	N Rogers, C	N Williams, E
Y Cooke	N Harrell	N Manning	N Rogers, T	E Williams, R
Y Coomer	Y Hatchett	N Marin	N Rynders	N Williamson
N Cooper	N Hatfield	Y Martin	N Scott, M	Y Yates
N Crawford	N Heard	N Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 25, nays 143.

The motion was lost.

Representative Coomer of the 14th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

House of Representatives
Coverdell Legislative Office Building
Suite 401
Atlanta, Georgia 30334

March 29, 2012

Robert E. Rivers
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Dear Robbie:

My recorded "yes" vote on the Conference Committee Report to House Bill 875 [House Vote No. 865] was in error. Please ensure that the House Journal reflects my opposition to the Conference Committee Report.

Sincerely,

/s/ Mike Jacobs

HB 347. By Representatives Hembree of the 67th, Meadows of the 5th, Lindsey of the 54th, Maxwell of the 17th, Murphy of the 120th and others:

A BILL to be entitled an Act to amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 347

The Committee of Conference on HB 347 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 347 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Charlie Bethel Senator, 54th District	/s/ Jimmy Pruett Representative, 144th District
/s/ George Hooks Senator, 14th District	/s/ Bill Hembree Representative, 67th District
/s/ Chance Senator, 16th District	/s/ Terry England Representative, 108th District

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to change certain provisions relating to unemployment compensation; to change the amount of taxable wages; to change certain provisions relating to the State-wide Reserve Ratio; to change certain provisions relating to determination of the weekly benefit amount; to provide for related matters; to provide for severability; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by revising paragraph (1) of subsection (b) of Code Section 34-8-49, relating to wages, as follows:

"(1) For the purposes of Code Section 34-8-20 and Articles 5 and 6 of this chapter, except Code Sections 34-8-156 and 34-8-157, any remuneration paid in excess of taxable wages. For purposes of this chapter, 'taxable wages' means that portion of remuneration paid by an employer to each employee, subject to unemployment

insurance contributions for each calendar year which does not exceed the following amounts:

(A) For the period January 1, 1976, through December 31, 1982 — $6,000.00;

(B) For the period January 1, 1983, through December 31, 1985 — $7,000.00;

(C) For the period January 1, 1986, through December 31, 1989 — $7,500.00; ~~and~~

(D) For the period January 1, 1990, ~~and thereafter~~ through December 31, 2012 — $8,500.00; and

(E) January 1, 2013, and thereafter – $9,500.00;

provided, however, that in cases of successorship of an employer, the amount of wages paid by the predecessor shall be considered for purposes of this provision as having been paid by the successor employer;"

SECTION 2.

Said chapter is further amended by revising subparagraph (d)(4)(B) of Code Section 34-8-156, relating to the State-wide Reserve Ratio, as follows:

"(B) Except for any year or portion of a year during which the provisions of paragraph (1) of subsection (f) of Code Section 34-8-155 apply, when the State-wide Reserve Ratio, as calculated above, is less than 1.7 percent, there shall be an overall increase in the rate, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155 in accordance with the following table:

If the State-wide Reserve Ratio:

Equals or Exceeds	But Is Less Than	Overall Increase
1.5 percent	1.7 percent	25 percent
1.25 percent	1.5 percent	50 percent
0.75 percent	1.25 percent	75 percent
Under 0.75 percent		100 percent

provided, however, that for the periods of January 1 through December 31, 2004; January 1 through December 31, 2005; and January 1 through December 31, 2006, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.00 percent on the computation date with respect to rates applicable to calendar year 2004, 2005, or 2006, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 35 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; and provided, further, that for the periods of January 1 through December 31, 2007, January 1 through December 31, 2008, January 1 through December 31,

2009, January 1 through December 31, 2010, January 1 through December 31, 2011, and January 1 through December 31, 2012, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2007, 2008, 2009, 2010, 2011, or 2012, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; and provided, further, that for the period of January 1 through December 31, 2013, and for each calendar year period thereafter, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2013 or any calendar year thereafter, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; provided, however, that if any funds borrowed by the Commissioner from the United States Treasury pursuant to Code Section 34-8-87 are unpaid or if the Unemployment Compensation Fund balance is less than $1 billion, then the Commissioner of Labor shall impose an increase in the overall rate of 50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155."

SECTION 3.

Said chapter is further amended by revising subsection (d) of Code Section 34-8-193, relating to determination of weekly benefit amount, as follows:

"(d)(1) Except as otherwise provided in this subsection, the maximum benefits payable to an individual in a benefit year shall be the lesser of: ~~26 times the weekly amount or~~

(A) Fourteen times the weekly benefit amount, if this state's average unemployment rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent; or

(B) ~~one-fourth~~ One-fourth of the base period wages.

If the amount computed is not a multiple of the weekly benefit amount, the total will be adjusted to the nearest multiple of the weekly benefit amount. The duration of benefits shall be extended in accordance with Code Section 34-8-197.

(2) In addition to and subsequent to payment of all benefits otherwise allowed under paragraph (1) of this subsection and without restriction with respect to an individual's benefit year, for claims filed on or after January 1, 2010, weekly unemployment

compensation shall be payable under this subsection to any individual who is unemployed, has exhausted all rights to regular unemployment compensation under the provisions of Article 7 of this chapter, and is enrolled and making satisfactory progress, as determined by the Commissioner, in a training program approved by the department, or in a job training program authorized under the Workforce Investment Act of 1998, Public Law 105-220, and not receiving similar stipends or other training allowances for nontraining costs. Each such training program approved by the department or job training program authorized under the Workforce Investment Act of 1998 shall prepare individuals who have been separated from a declining occupation, as designated by the department from time to time, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation, as designated by the department from time to time. The amount of unemployment compensation payable under this subsection to an individual for a week of unemployment shall be equal to the individual's weekly benefit amount for the individual's most recent benefit year less deductible earnings, if any. The total amount of unemployment compensation payable under this subsection to any individual shall be equal to ~~at least 26~~ 14 times the individual's weekly benefit amount for the individual's most recent benefit year, if this state's average unemployment rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent. The provisions of subsection (d) of Code Section 34-8-195 shall apply to eligibility for benefits under this subsection. Except when the result would be inconsistent with other provisions of this subsection, all other provisions of Article 7 of this chapter shall apply to the administration of the provisions of this subsection.

(3) As used in this subsection, the term 'state's average unemployment rate' means the average of the adjusted state-wide unemployment rates as published by the department for the time periods of April 1 through April 30 and October 1 through October 31. The average of the adjusted state-wide unemployment rates for the time period of April 1 through April 30 shall be effective on and after July 1 of each year and shall be effective through December 31. The average of the adjusted state-wide unemployment rates for the time period of October 1 through October 31 shall be effective on and after January 1 of each year and shall be effective through June 30."

SECTION 4.

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 3 of this Act shall become effective on July 1, 2012.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Representative Pruett of the 144th moved that the House adopt the report of the Committee of Conference on HB 347.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	McCall	Y Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	N Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	Dukes	N Howard	Y Neal, J	Smyre
N Benfield	Y Dunahoo	Hudson	N Neal, Y	N Spencer
Y Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Y Ehrhart	N Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
N Braddock	N Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	N Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	N Johnson	Y Parrish	N Taylor, R
N Bryant	N Fludd	Jones, J	Y Parsons	Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	Jordan	Powell, A	N Thomas
N Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Welch
Y Casas	N Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Greene	Knight	Y Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	N Long	Riley	N Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	N Marin	Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 98, nays 60.

The motion prevailed.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

Due to a mechanical malfunction, the vote of Representative Welch of the 110th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 933. By Representatives Rogers of the 26th, Williams of the 4th and Brockway of the 101st:

A BILL to be entitled an Act to amend Code Section 10-14-7 of the Official Code of Georgia Annotated, relating to preneed escrow accounts, so as provide for the release of funds from an escrow account when a monument is placed into a bonded memorial storage program; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

HB 347. By Representatives Hembree of the 67th, Meadows of the 5th, Lindsey of the 54th, Maxwell of the 17th, Murphy of the 120th and others:

A BILL to be entitled an Act to amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has adopted the report of the Committee of Conference on the following bills of the Senate and House:

SB 203. By Senators Bethel of the 54th, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 23 of Title 33 of the Official Code of Annotated, relating to licensing of agents, agencies, subagents, counselors, and adjusters, so as to provide that certain individuals who collect

and input data into an automated claims adjudication system are exempt from licensure; to provide for definitions; to change certain resident independent adjuster license requirements; to add certain nonresident independent adjuster license requirements; to provided for related matters; to repeal conflicting laws; and for other purposes.

HB 954. By Representatives McKillip of the 115th, Collins of the 27th, England of the 108th, Hamilton of the 23rd, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to change certain provisions relating to criminal abortion; to change certain provisions relating to when abortion is legal; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to define certain terms; to require a determination of gestational age prior to abortion; to provide for certain reporting requirements with respect to performance of abortions; to state legislative findings; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 1102. By Representatives Smith of the 70th, Stephens of the 164th, Knight of the 126th, Manning of the 32nd, McCall of the 30th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, so as to provide a 30 day grace period for buyers of qualifying property to seek a limitation of liability; to provide for automatic liability limitations to future recipients of qualified properties; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management generally, so as to extend a compliance date; to amend Code Section 31-2A-12 of the Official Code of Georgia Annotated, relating to regulation of land disposal sites, so as to provide for uniformity; to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia

property; to amend Part 5 of Article 3 of Chapter 5 of Title 12, relating to public water systems, so as to require private water suppliers utilizing a waste-water sewer system owned or operated by a county, municipality, or local authority to transmit customer water consumption data to such county, municipality, or local authority; to require private water suppliers to suspend water supply to customers who have failed to pay charges for use of the waste-water sewer system; to provide for exemptions; to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, so as to provide a 30 day grace period for buyers of qualifying property to seek a limitation of liability; to provide for automatic liability limitations to future recipients of qualified properties; to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, so as to extend the preferential assessment of brownfield property under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to public water systems, is amended in Code Section 12-5-179, relating to permits and performance bonds for operation of public water systems, by adding a new subsection to read as follows:

"(h)(1) Any privately owned public water supplier within this state supplying water to customers who, incidental to the purchase of such water, utilize a waste-water sewer system owned or operated by a county, municipality, or local authority to dispose of or discharge the water purchased shall furnish to such political subdivision the amount of water consumed by each individually metered customer account during each billing period.

(2) Upon receiving notice from a county, municipality, or local authority described in paragraph (1) of this subsection that a customer has failed to timely pay any charges for the use of the waste-water sewer system, the private water supplier shall, within five business days of such notice, suspend water supply to that customer. The water supply to such customer shall remain suspended until such political subdivision notifies the water supplier to resume water service. The private water supplier shall be authorized to charge a reasonable fee to the customer for the cost of suspension or resumption of water service.

(3) Nothing in this subsection shall abrogate the provisions of Code Section 36-60-17.

(4) The requirements of this subsection shall not apply to submetered multifamily, multi-industrial, or multicommercial properties."

SECTION 1A.

Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management generally, is amended in Code Section 12-8-41,

relating to permitting of land disposal sites, by replacing "2012" with "2014" wherever the former occurs.

SECTION 1B.

Code Section 31-2A-12 of the Official Code of Georgia Annotated, relating to regulation of land disposal sites, is amended by replacing "2012" with "2014" wherever the former occurs.

SECTION 1C.

Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, is amended by revising paragraph (6) of subsection (b) of Code Section 12-8-202, relating to definitions, as follows:

"(6) 'Prospective purchaser' means a person who intends to purchase a property where there is a preexisting release <u>or a person who has applied for a limitation of liability pursuant to this article within 30 days of acquiring title to a property where there is a preexisting release</u>."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 12-8-208, relating to exceptions to limitation of liability, as follows:

"(c) The limitation of liability provided by this article shall ~~be fully transferable~~ <u>automatically inure</u> to the <u>benefit of</u> heirs, assigns, successors in title, and designees of the person to whom such limitation of liability is granted; provided, however, that in no event shall the director's approval of a corrective action plan or concurrence with a certification of compliance operate to absolve from liability any party deemed to be a person who has contributed or is contributing to a release at the qualifying property; and provided, further, that a transfer of the title to the qualifying property or any portion thereof from the prospective purchaser ~~back to the owner of the property from which the subject property was purchased,~~ <u>to</u> any other party deemed to be a person who has contributed or is contributing to a release at the property, ~~or~~ <u>to</u> any person disqualified from obtaining a limitation of liability under Code Section 12-8-206<u>, or back to the owner of the property from which the subject property was purchased</u> shall terminate any limitation of liability applicable to the transferor under this article."

SECTION 3.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation of property, is amended by revising subparagraph (F) of paragraph (3) of Code Section 48-5-2, relating to definitions regarding ad valorem taxation of property, as follows:

"(F) Fair market value of 'brownfield property' as such term is defined in subsection (a) of Code Section 48-5-7.6 means:

(i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6, for the first ten years in which the property is classified as 'brownfield property,' <u>or</u>

as this period of preferential assessment may be extended pursuant to subsection (o) of Code Section 48-5-7.6, the value equal to the lesser of the acquisition cost of the property or the appraised fair market value of the property as recorded in the county tax digest at the time application was made to the Environmental Protection Division of the Department of Natural Resources for participation under Article 9 of Chapter 8 of Title 12, the 'Georgia Hazardous ~~Sites~~ Site Reuse and Redevelopment Act,' as amended; and

(ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6, for the eleventh and following years, or at the end of any extension of this period of preferential assessment pursuant to subsection (o) of Code Section 48-5-7.6, the fair market value of such property as determined by the provisions of this paragraph, excluding the provisions of this subparagraph."

SECTION 4.

Said article is further amended by revising paragraph (3) of subsection (d) of, subparagraph (e)(1)(D) of, and adding a new subsection to Code Section 48-5-7.6, relating to preferential assessment of brownfield property, to read as follows:

"(3) The local taxing authority shall enter upon the tax digest as the basis or value of a parcel of brownfield property a value equal to the lesser of the acquisition cost of the property or the assessment of the fair market value of the property as recorded in the county tax digest at the time application for participation in the Hazardous Site Reuse and Redevelopment Program was submitted to the Environmental Protection Division of the Department of Natural Resources under Article 9 of Chapter 8 of Title 12, the 'Georgia Hazardous Site Reuse and Redevelopment Act,' as amended. Property classified as brownfield property shall be recorded upon the tax digest as provided in this Code section for ten consecutive assessment years, or as extended pursuant to subsection (o) of this Code section, unless sooner disqualified pursuant to subsection (e) of this Code section, and the notation 'brownfield property' shall be entered on the tax digest adjacent to the valuation of such property to indicate that the property is being preferentially assessed. The local taxing authority shall also enter upon the tax digest an assessment of the fair market value of the property each year, excluding the provisions of subparagraph (F) of paragraph (3) of Code Section 48-5-2."

"(D) The later of the expiration of ten years during which the property was classified and assessed as brownfield property or the expiration of this preferential assessment period as extended pursuant to subsection (o) of this Code section; or"

"(o)(1) Notwithstanding anything to the contrary in subsections (a) through (n) of this Code section, a qualified brownfield property may be eligible for preferential assessment in accordance with the provisions of subsection (c.4) of Code Section 48-5-7 for a period not to exceed 15 years under the following circumstances:

(A) Construction of improvements on the property commenced but thereafter ceased for a period in excess of 180 days;

(B) After a delay in excess of 180 days, construction of improvements on the property resumed; and

(C) The owner of the qualified brownfield property submits a sworn certification to the county board of tax assessors stating the date on which construction first commenced, the date on which construction ceased, and the date on which construction resumed.

(2) Upon receipt of the certification required by subparagraph (C) of paragraph (1) of this subsection, the county board of tax assessors shall extend the period of preferential assessment for one year for each 365 days of construction inactivity for up to a maximum of five consecutive years. Under no circumstances shall the period of preferential assessment exceed 15 consecutive years."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

Representative Smith of the 70th moved that the House agree to the Senate substitute to HB 1102.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	N Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	N Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson

Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 162, nays 3.

The motion prevailed.

Representative Watson of the 163rd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 954. By Representatives McKillip of the 115th, Collins of the 27th, England of the 108th, Hamilton of the 23rd, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to change certain provisions relating to criminal abortion; to change certain provisions relating to when abortion is legal; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to define certain terms; to require a determination of gestational age prior to abortion; to provide for certain reporting requirements with respect to performance of abortions; to state legislative findings; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 954

The Committee of Conference on HB 954 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 954 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Williams
Senator, 19th District

/s/ Renee Unterman
Senator, 48th District

/s/ Cowsert
Senator, 46th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Doug McKillip
Representative, 115th District

/s/ Donna H. Sheldon
Representative, 105th District

/s/ Doug Collins
Representative, 27th District

A BILL TO BE ENTITLED
AN ACT

To amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to change certain provisions relating to criminal abortion; to change certain provisions relating to when abortion is legal; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to define certain terms; to require a determination of gestational age prior to abortion; to provide for certain reporting requirements with respect to performance of abortions; to change certain provisions relating to civil and professional penalties for violations of the "Woman's Right to Know Act"; to provide for confidentiality; to change certain provisions relating to definitions relative to the "Woman's Right to Know Act"; to state legislative findings; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly makes the following findings:

(1) At least by 20 weeks after fertilization there is substantial evidence that an unborn child has the physical structures necessary to experience pain;

(2) There is substantial evidence that, by 20 weeks after fertilization, unborn children seek to evade certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain;

(3) Anesthesia is routinely administered to unborn children who have developed 20 weeks or more past fertilization who undergo prenatal surgery;

(4) Even before 20 weeks after fertilization, unborn children have been observed to exhibit hormonal stress responses to painful stimuli. Such responses were reduced when pain medication was administered directly to such unborn children;

(4.1) Probable gestational age is an estimate made to assume the closest time to which the fertilization of a human ovum occurred and does not purport to be an exact diagnosis of when such fertilization occurred; and

(5) It is the purpose of the State of Georgia to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

SECTION 2.

Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, is amended by revising Code Sections 16-12-140 and 16-12-141, relating to criminal abortion and when abortion is legal, respectively, as follows:

"16-12-140.

(a) ~~Except as otherwise provided in Code Section 16-12-141, a~~ A person commits the offense of criminal abortion when, in violation of Code Section 16-12-141, he or she administers any medicine, drugs, or other substance whatever to any woman or when he or she uses any instrument or other means whatever upon any woman with intent to produce a miscarriage or abortion.

(b) A person convicted of the offense of criminal abortion shall be punished by imprisonment for not less than one nor more than ten years.

16-12-141.

(a) ~~Nothing in this article shall be construed to prohibit an abortion performed by a physician duly licensed to practice medicine and surgery pursuant to Chapter 34 of Title 43, based upon his or her best clinical judgment that an abortion is necessary, except that Code Section 16-12-144 is a prohibition of a particular abortion method which shall apply to both duly licensed physicians and laypersons~~. No abortion is authorized or shall be performed in violation of subsection (a) of Code Section 31-9B-2.

(b)(1) No abortion is authorized or shall be performed after the first trimester unless the abortion is performed in a licensed hospital, in a licensed ambulatory surgical center, or in a health facility licensed as an abortion facility by the Department of Community Health.

(2) An abortion shall only be performed by a physician licensed under Article 2 of Chapter 34 of Title 43.

(c)(1) No abortion is authorized or shall be performed ~~after the second trimester~~ if the probable gestational age of the unborn child has been determined in accordance with Code Section 31-9B-2 to be 20 weeks or more unless ~~the physician and two consulting physicians certify that~~ the pregnancy is diagnosed as medically futile, as such term is defined in Code Section 31-9B-1, or in reasonable medical judgment the abortion is necessary ~~in their best clinical judgment to preserve the life or health of the woman~~ to:

(A) Avert the death of the pregnant woman or avert serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman.

No such condition shall be deemed to exist if it is based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or that the pregnant woman will purposefully engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function; or

(B) Preserve the life of an unborn child.

As used in this paragraph, the term 'probable gestational age of the unborn child' has the meaning provided by Code Section 31-9B-1.

(2) In any case described in subparagraph (A) or (B) of paragraph (1) of this subsection, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the pregnant woman than would another available method. No such greater risk shall be deemed to exist if it is based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or that the pregnant woman will purposefully engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function. If the ~~product of the abortion~~ child is capable of ~~meaningful or~~ sustained life, medical aid then available must be rendered.

(d) ~~The performing physician shall file with the commissioner of public health within ten days after an abortion procedure is performed a certificate of abortion containing such statistical data as is determined by the Department of Public Health consistent with preserving the privacy of the woman.~~ Hospital or other licensed health facility records shall be available to the district attorney of the judicial circuit in which the hospital or health facility is located."

SECTION 3.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding a new Chapter 9B to read as follows:

"CHAPTER 9B

31-9B-1.

(a) As used in this chapter, the term:

(1) 'Abortion' has the meaning provided by Code Section 31-9A-2.

(2) 'Medical emergency' has the meaning provided by Code Section 31-9A-2.

(3) 'Medically futile' means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.

(4) 'Physician' has the meaning provided by Code Section 31-9A-2.

(5) 'Probable gestational age of the unborn child' means what will, in reasonable medical judgment and with reasonable probability, be the postfertilization age of the

unborn child at the time the abortion is planned to be performed or induced, as dated from the time of fertilization of the human ovum.

(6) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(7) 'Unborn child' has the meaning provided by Code Section 31-9A-2.

31-9B-2.

(a) Except in the case of a medical emergency or when a pregnancy is diagnosed as medically futile, no abortion shall be performed or attempted to be performed unless the physician performing it has first made a determination of the probable gestational age of the unborn child or relied upon such a determination made by another physician.

(b) Failure by any physician to conform to any requirement of this Code section constitutes unprofessional conduct for purposes of paragraph (7) of subsection (a) of Code Section 43-34-8 relating to medical licensing sanctions.

31-9B-3.

(a) Any physician who performs or attempts to perform an abortion shall report to the department, in conjunction with the reports required under Code Section 31-9A-6 and in accordance with forms and rules and regulations adopted and promulgated by the department:

(1) If a determination of probable gestational age was made, the probable gestational age determined and the method and basis of the determination;

(2) If a determination of probable gestational age was not made, the basis of the determination that a medical emergency existed or that a pregnancy was diagnosed as medically futile;

(3) If the probable gestational age was determined to be 20 or more weeks, the basis of the determination that the pregnant woman had a medically futile pregnancy or had a condition which so complicated her medical condition as to necessitate the termination of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, or the basis of the determination that it was necessary to preserve the life of an unborn child; and

(4) The method used for the abortion and, in the case of an abortion performed when the probable gestational age was determined to be 20 or more weeks, whether the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive or, if such a method was not used, the basis of the determination that the pregnancy was medically futile or that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the pregnant woman than would other available methods.

(b) By June 30 of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this Code section for each of the items listed in

subsection (a) of this Code section. Each such report shall also provide the statistics for all previous calendar years during which this Code section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed.

(c) The department shall ensure that the names and identities of the physicians filing reports under this chapter shall remain confidential. The names and identities of such physicians shall not be subject to Article 4 of Chapter 18 of Title 50.

(d) Any physician who fails to submit a report by the end of the grace period of 30 days following the due date shall be subject to sanctions as specified in subsection (e) of Code Section 31-9A-6.

(e) The department shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this Code section."

SECTION 4.

Said title is further amended by revising Code Section 31-9A-6.1, relating to civil and professional penalties for violations of the "Woman's Right to Know Act," as follows:

"31-9A-6.1.

(a) In addition to whatever remedies are available under the common or statutory law of this state, failure to comply with the requirements of this chapter shall be reported to the Georgia Composite Medical Board for disciplinary action.

(b) Any plaintiff seeking relief in the form of civil remedies for a violation of Code Section 31-9B-2 shall produce clear and convincing evidence that the physician determining the probable gestational age of the fetus or the physician whose determination was relied upon was negligent in his or her determination.

(c) Any female who solicits or conspires to solicit an abortion who makes a false representation of her age or name shall not have standing to state a claim against any party pursuant to this chapter or Chapter 9B of this title nor shall any agency or instrumentality of the state consider any action related to such claim."

SECTION 5.

Said title is further amended by revising paragraph (2) of Code Section 31-9A-2, relating to definitions relative to the "Woman's Right to Know Act," as follows:

"(2) ~~'Medical emergency' means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial or irreversible impairment of a major bodily function.~~ 'Medical emergency' means any condition which, in reasonable medical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial or irreversible impairment of a major bodily function of the pregnant woman or death of the unborn child. No such

condition shall be deemed to exist if it is based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or that the pregnant woman will purposefully engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function."

SECTION 6.

For purposes of promulgating rules and regulations, this Act shall become effective upon approval by the Governor or upon its becoming law without such approval. For all other purposes, this Act shall become effective on January 1, 2013.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

Representative McKillip of the 115th moved that the House adopt the report of the Committee of Conference on HB 954.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	N Morgan	Y Smith, K
N Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Y Neal, J	N Smyre
N Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Y Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Y Ehrhart	Jackson	Y Nix	Stephens, R
Y Black	Y England	N Jacobs	N Oliver	N Stephenson
Y Braddock	Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	Johnson	Y Parrish	N Taylor, R
N Bryant	N Fludd	Y Jones, J	N Parsons	N Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
Y Carson	N Geisinger	N Kendrick	Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	N Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	N Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	N Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E

Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 106, nays 59.

The motion prevailed.

Representatives Pruett of the 144th and Stephens of the 164th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

The following Bills and Resolution of the House were taken up for the purpose of considering the Senate action thereon:

HR 1376. By Representatives Greene of the 149th, Neal of the 1st, Bryant of the 160th, Horne of the 71st and Cheokas of the 134th:

A RESOLUTION authorizing the modification of a ground lease on state owned real property in Baldwin County; authorizing the conveyance of certain state owned real property located in Carroll County; authorizing the conveyance of and an easement on certain state owned real property located in Clinch County; authorizing the conveyance of certain state owned real property located in Coffee County; authorizing the conveyance and acquisition by exchange of certain state owned real property located in Dade County; authorizing the conveyance of certain state owned real property located in Dodge County; authorizing the conveyance of certain state owned real property located in Dougherty County; to provide an effective date; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

Authorizing the modification of a ground lease on state owned real property in Baldwin County; authorizing the conveyance of certain state owned real property located in Bartow County; authorizing the conveyance of certain state owned real property located in Bibb County; authorizing the conveyance of certain state owned real property located

in Carroll County; authorizing the conveyance of certain state owned real property located in Clay County; authorizing the conveyance of and an easement on certain state owned real property located in Clinch County; authorizing the conveyance of certain state owned real property located in Coffee County; authorizing the conveyance and acquisition by exchange of certain state owned real property located in Dade County; authorizing the conveyance of certain state owned real property located in Decatur County; authorizing the conveyance of certain state owned real property located in Dodge County; authorizing the conveyance of certain state owned real property located in Dougherty County; authorizing the conveyance of certain state owned real property located in Early County; authorizing the conveyance of certain state owned real property located in Floyd County; authorizing the conveyance of certain state owned real property located in Franklin County; authorizing the modification of a ground lease on certain state owned real property located in Gwinnett County; authorizing the conveyance of certain state owned real property located in Habersham County; authorizing the conveyance of certain state owned real property located in Macon County; authorizing the conveyance of certain state owned real property located in Madison County; authorizing the conveyance of certain state owned real property located in McIntosh County; authorizing the conveyance of certain state owned real property located in Mitchell County; authorizing the conveyance of certain state owned real property located in Montgomery County; authorizing the conveyance of certain state owned real property located in Muscogee County; authorizing the lease of certain state owned real property located in Polk County; authorizing the conveyance of certain state owned real property located in Quitman County; authorizing the conveyance of certain state owned real property located in Richmond County; authorizing the conveyance of certain state owned real property located in Telfair County; authorizing the conveyance of certain state owned real property located in Ware County; authorizing the conveyance of certain state owned real property located in Washington County; authorizing the conveyance of certain state owned real property located in Wayne County; authorizing the conveyance of certain state owned real property located in White County; authorizing the conveyance of certain state owned real property located in Whitfield County; to provide an effective date; and for other purposes.

WHEREAS:

(1) The State of Georgia is the owner of certain parcels of real property located in Baldwin County, Georgia;

(2) Said real property is all that tract or parcel of land lying and being in Lots 243 and 244 of the 5th District of Baldwin County containing approximately 82 acres and operated as Baldwin State Prison, and all of that tract being in Lot 244 of the 5th District of Baldwin County containing approximately 71 acres operated as Riverbend Prison by The GEO Group, Inc., as described in that 40 year lease with the State of Georgia dated July 30, 2010 ("the lease"), both properties being more particularly described in an aerial drawing on file in the offices of the State Properties Commission entitled "Baldwin State Prison and Riverbend Prison," and which may be more particularly described on a plat of

survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described properties are under the custody of the Georgia Department of Corrections;
(4) The GEO Group, Inc. is desirous of amending the lease with a nonexclusive appurtenant easement for the term of the lease to construct additional waste-water management system improvements on state property in Parcel 1, Land Lot 244, the 5th District at Baldwin State Prison and operate that equipment and system on 0.44 of an acre as described on a utility survey by Thomas & Hutton Consulting dated June 24, 2011, including a sewer line extension, new mechanical bar screen, and a backup generator;
(5) The GEO Group, Inc. will provide enhanced waste-water management services at no cost to Baldwin State Prison from those system improvements and maintain the sewer line extension for the duration of the lease, and at the end of the lease ownership of the system improvements will revert to the state;
(6) By resolution dated September 1, 2011, the Georgia Board of Corrections recommended amending the lease to include such a nonexclusive appurtenant easement for the duration of the lease term and provision of enhanced waste-water management service to Baldwin State Prison as consideration of said lease amendment; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Bartow County, Georgia;
(2) Said real property is all that parcel or tract lying and being in the 4th District, 3rd Section of Bartow County and is more particularly described as a total of approximately 1.68 acres in a deed dated January 13, 1940, recorded in Deed Book 76, Folio 265 in the Office of the Clerk of Superior Court of Bartow County, a copy of which is on file as Real Property Record #00069 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the State Forestry Commission and was the Cartersville District Office;
(4) The State Forestry Commission has determined that the building has outlived its economic life, and has combined the Cartersville District Office with the Cherokee District office in a new location in Bartow County, which will result in budgetary savings with minimal impact of service to the counties;
(5) By letter dated January 26, 2012, the Commissioner of the State Forestry Commission advised a resolution will be sought of the State Forestry Commission at its March 20, 2012, meeting to declare the Cartersville District Office improved property surplus to its needs and request authorization for the conveyance of the property in the 2012 legislative session of the Georgia General Assembly; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Bibb County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Land Lots 48 and 49 of the Macon Reserve West Land District, Bibb County, and is more particularly described as a total of approximately 3.056 acres in deeds dated January 25, 1994, recorded in Deed Book 2474, Pages 206-212 and December 15, 2000, recorded in Deed Book 4983, Pages 329-336 in the Office of the Clerk of Superior Court of Bibb County, a copy of which is on file as Real Property Record #08493 and #09757 in the offices of the State Properties Commission;
(3) The above-described property is under the custody of the Georgia Department of Economic Development and was formerly the Georgia Music Hall of Fame;
(4) The Georgia Department of Economic Development currently does not utilize the property and infrastructure comprising the Georgia Music Hall of Fame;
(5) The Georgia Department of Economic Development has determined that it will at no time in the future have a use for the property and infrastructure comprising the Georgia Music Hall of Fame;
(6) The Corporation of Mercer University, a nonprofit corporation organized and existing under the laws of the State of Georgia, has expressed an interest in acquiring the Georgia Music Hall of Fame for the purposes of school related functions;
(7) The Georgia Department of Economic Development declared the Georgia Music Hall of Fame improved property surplus to its needs and authorized the surplusing of this property and sale to the Corporation of Mercer University, a nonprofit corporation organized and existing under the laws of the State of Georgia, for fair market value, as determined by State Properties Commission; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Carroll County, Georgia;
(2) Said real property is all those parcels totaling approximately 137.635 acres, being a tract of approximately 1.26 acres lying and being in the 10th District, Land Lot 170 of Carroll County and is more particularly described in a deed recorded in Deed Book 1172, Page 642 in the Office of the Clerk of Superior Court of Carroll County, a copy of which is on file as Real Property Record #09497 in the offices of the State Properties Commission, and being a tract of approximately 136.375 acres lying and being in the 10th District, Land Lots 151, 170, and 171 of Carroll County and is more particularly described in a deed recorded in Deed Book 255, Page 283 in the Office of the Clerk of Superior Court of Carroll County, a copy of which is on file as Real Property Record #05271 in the offices of the State Properties Commission ("the property"), and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the Georgia Department of Natural Resources and was the John Tanner State Park;

(4) By resolution adopted September 6, 2011, the Carroll County Board of Commissioners requested the conveyance and will maintain the park for public use as a park in the future, and agreed that if the Heritage Preserve designation placed on the property were removed as authorized by the General Assembly, the county would accept conveyance of the property with a conservation easement restricting the property to use as a public park with additional but limited recreational development allowed, and annual monitoring by the state of the conservation easement. The county also agreed that additional consideration would be payoff of remaining General Obligation bonds and interest of approximately $76,000.00 and purchase of personal property at the park valued at $1,000.00;
(5) On September 28, 2011, the Georgia Board of Natural Resources determined as authorized in Act 232 (2011 House Bill 90) after a public hearing to remove the Heritage Preserve designation and upon conveyance of the property to Carroll County, to accept a conservation easement on the property to free the department of operational costs while ensuring the state's citizens have perpetual access to its outdoor recreational facilities; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Clay County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Land Lot 238, District 5 of Clay County and is more particularly described as a one acre parcel being recorded in a deed dated January 24, 1963 in Deed Book S, Folio 109 in the Office of the Clerk of Superior Court of Clay County, a copy of which is on file as Real Property Record #02922 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the State Forestry Commission and was the Clay County Office;
(4) The State Forestry Commission has determined that a building on the property has outlived its economic life, and that closing the office will result in budgetary savings;
(5) Clay County is desirous of leasing the property from the State for $10.00 with the stipulation that the property be used for public purpose, and use of the tower to be retained for the State of Georgia/State Forestry Commission;
(6) By letter January 26, 2012, from the Commissioner of the State Forestry Commission advised a resolution will be sought of the State Forestry Commission at its March 20, 2012, meeting to declare the Clay County Office improved property surplus to its needs and recommend leasing the property to Clay County for five years with a five-year renewal option for public purpose, and use of the tower to be retained for the State of Georgia/State Forestry Commission, and such letter requested authorization for the leasing of the property to Clay County in the 2012 legislative session of the Georgia General Assembly; and

WHEREAS:
(1) The State of Georgia is the owner of certain parcels of real property located in Land Lot 470, 7th District of Clinch County, Georgia, hereinafter referred to as the "easement area" and the "conveyance area" at the southwest side of U.S. Highway 441, more particularly described on an engineered drawing as that approximately 0.045 of an acre easement area and that 0.02 of an acre conveyance area as shown highlighted in yellow on that drawing prepared by Georgia Department of Transportation and being Job Title "US Hwy 441 Widening Project No. EDS-441(46) Clinch County," on file in the offices of the State Properties Commission, and may be more particularly described by a survey prepared for the Georgia Department of Transportation and presented to the State Properties Commission for approval;
(2) Said property is under the custody of the State Forestry Commission;
(3) The Georgia Department of Transportation has requested in a letter dated June 28, 2011, the conveyance of the nonexclusive permanent easement area and the fee simple area solely for the purpose of U.S. Hwy 441 Widening Project No. EDS-441(46) Clinch County;
(4) On August 16, 2011, the State Forestry Commission approved a resolution to seek General Assembly approval for fee simple title of the conveyance area and for conveyance of the nonexclusive permanent easement area to the Georgia Department of Transportation; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Coffee County, Georgia;
(2) Said improved real property is approximately 1.555 acres lying and being in Land Lot 174 of the 6th District in Douglas, Coffee County, as described in that 1993 deed recorded in Deed Book 465, Pages 125-126, and on a plat recorded in Plat Book 69, Page 100 of the Superior Court of Coffee County, and on file in the offices of the State Properties Commission as Real Property Record 10953 ("the property"), and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said tract or parcel was formerly the site of the Douglas Poultry Lab, now under the custody of the Department of Agriculture;
(4) By letter dated January 9, 2012, the Commissioner of Agriculture declared the improved property surplus and no longer necessary for the operations of the agency; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Dade County, Georgia;
(2) Said parcel is all that tract or parcel of land lying and being in Land Lot 289 of the 10th District and 4th Section of Dade County containing approximately 0.683 of an acre, being more particularly described in that deed from Dade County, dated May 11, 1959, and recorded by the Clerk of Dade County Superior Court in Deed Book 56, Page 69, and

may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property operated as the Dade County Unit under the custody of the State Forestry Commission until it was destroyed by a tornado on April 28, 2011;
(4) Dade County is also the owner of approximately three acres in Land Lots 21 and 22, 18th District, 3rd Section, as described on a survey for the State Forestry Commission on a plat dated July 14, 2011, by surveyor Paul Rogers, Registered Land Surveyor No. 2303, which property was also leased for 25 years to the state on November 23, 2011, for constructing, maintaining, and operating a new Forestry Commission Dade Unit, and as described on the same plat;
(5) Dade County approved at its August 4, 2011, meeting the acquisition from the state of the above-described 0.683 of an acre property in exchange for the county conveying to the state the three-acre property now leased to the state;
(6) The State Forestry Commission, by resolution dated May 19, 2011, recommended the exchange as described above as being beneficial to the state, and cancellation of the county's 25 year lease on the three acres when the exchange is effected; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Decatur County, Georgia;
(2) Said real property is all those parcels or tracts lying and being in the City of Bainbridge, Decatur County, totaling approximately 3.03 acres on a plat of survey entitled "Plat of Survey for Department of Defense, Bainbridge Armory," dated January 19, 1989, prepared by Shad L. Adkinson, Georgia Registered Land Surveyor No. 2254, on file in the offices of the State Properties Commission inventoried as Real Property Record #08252, and being more particularly described as all that parcel or tract being approximately 2.81 acres recorded in a deed dated August 26, 1952, and being described in Deed Book E-6, Page 13 from the City of Bainbridge as grantor to the State of Georgia as grantee for $10.00 and other valuable consideration, recorded in the Office of the Clerk of Superior Court of Decatur County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #00424, and all that parcel or tract being approximately 0.43 of one acre recorded in a deed dated November 9, 1992, and being described in Deed Book L-17, Pages 78-83 from the City of Bainbridge as grantor to the State of Georgia as grantee, recorded in the Office of the Clerk of Superior Court of Decatur County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #08251, as part of an exchange conveying approximately 0.21 of one acre to the city, as recorded in a deed dated November 18, 1992, and being described in Deed Book K-17, Pages 589-593 from the State of Georgia as grantor to the City of Bainbridge as grantee, recorded in the Office of the Clerk of Superior Court of Decatur County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #08252;
(3) Said tract or parcel was formerly the site of Bainbridge Armory, now under the custody of the Department of Defense;

(4) The City of Bainbridge is desirous of acquiring the above-described property for public purpose and agrees to pay $10.00 and retire any outstanding General Obligation bonds due for this property;
(5) By letter dated February 9, 2012, the Adjutant General stated that the above-described improved property is surplus to the needs of the department and recommended that the above-described property be conveyed to the City of Bainbridge for the amount of the outstanding General Obligation bonds and no less than $10.00, to be used for public purpose; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Dodge County, Georgia;
(2) Said real property is all those tracts or parcels of land lying and being in Land Lot 22 of the 15th District of Dodge County, Georgia, containing approximately five acres being the same property from Dodge County Post 126 of the American Legion, Department of Georgia, Inc., conveyed by deed on June 28, 1955, to remove a reversionary interest from that deed of August 1, 1954, inventoried as Real Property Records 00470.4 and .3, respectively, and on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said tract or parcel was formerly the site of Eastman Armory, now under the custody of the Department of Defense;
(4) The Eastman-Dodge County Regional Development Authority is desirous of acquiring the above-described property for public purpose;
(5) By letter dated December 1, 2011, the Adjutant General stated that the above-described improved property is surplus to the needs of the department and recommended that the above-described property be surplused for the amount of the outstanding General Obligation bonds, to be used for public purpose; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Dougherty County, Georgia;
(2) Said real property is approximately 2.103 acres of land located at 701 Gaines Avenue, Albany, in Land Lot 361, first Land District, being the remainder of that property conveyed by deed from the Dougherty County Board of Commissioners on June 9, 1972, as recorded in Deed Book 480, Page 471, after the conveyance of 7.323 acres to the Dougherty County Board of Commissioners by deed dated February 6, 2009, as recorded in Deed Book 3591, Pages 206-211, and Plat Cabinet 1-D, Slide 43-C, and on file in the offices of the State Properties Commission as Real Property Record 05516 and 10605, respectively ("the property"), and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said tract or parcel was formerly the site of the Albany Farmers Market, now under the custody of the Department of Agriculture;
(4) By letter dated January 9, 2012, the Commissioner of Agriculture declared the improved property surplus and no longer necessary for the operations of the Department of Agriculture; and

WHEREAS:
(1) The State of Georgia is the owner of certain parcels of real property located in Dougherty County, Georgia;
(2) Said real property is all that tract or parcel lying and being in Land Lot 361 of the 1st District of Dougherty County and containing approximately 0.068 of one acre to be conveyed along U.S. Route 19, Albany, Georgia, more particularly described as that area highlighted in yellow on a January 6, 2011, drawing entitled "R/W ACQUISITION PLAT, ALBANY TECH. COLLEGE, SLAPPEY BLVD ENTRANCE" in Dougherty County, Project Number 08-6182, and being on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by Cary F. Reed, Georgia Registered Land Surveyor No. 2896, and presented to the State Properties Commission for approval;
(3) Said property is under the custody of the Technical College System of Georgia;
(4) The Georgia Department of Transportation is improving the road as a part of Project 08-6182, Dougherty County;
(5) The Georgia Department of Transportation requires that the above-described property be owned in the name of the Georgia Department of Transportation and will acquire the property from the state for consideration of satisfying project requirements of the construction of a deceleration lane with federal funds that benefits the state by improving ingress and egress safety to the site;
(6) The State Board of the Department of Technical and Adult Education, at its meeting of March 3, 2011, authorized the conveyance of the above-described properties to Georgia Department of Transportation; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Early County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Land Lots 152 and 129 of the 28th District, City of Blakely, Early County, Georgia, and is more particularly described as approximately 7.2 acres on a survey dated June 15, 1973, prepared by Grady Holman, Jr., County Surveyor of Early County, and on file in the offices of the State Properties Commission and being recorded in a deed dated January 17, 1974, in Deed Book 106, Pages 878-9 from Early County, Georgia, as grantor to the State of Georgia as grantee for $1.00 and other valuable consideration, recorded in the Office of the Clerk of Superior Court of Early County, a copy of which is on file in the offices of the State Properties Commission;

(3) Said tract or parcel was formerly the site of the Blakely Regional Youth Detention Center, now under the custody of the Department of Juvenile Justice, and on which outstanding General Obligation bonds principal and payments must be satisfied; and
(4) The Early County Board of Commissioners is desirous of acquiring the above described property for public purpose;
(5) By resolution dated February 23, 2012, the chairperson of the Board of Juvenile Justice stated that the above-described improved property is surplus to the needs of the department; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Floyd County, Georgia;
(2) Said real property is all that tract or parcel lying and being in Land Lots 161, 200, 201 of the 23rd Section 3rd District and containing approximately 132.502 acres, as more particularly described on a survey titled "Survey for State of Georgia, Total Area in Subdivision 164.577 Acres, Northwest Regional Campus 132.502 Acres", dated January 20, 2012, by J. B. Faircloth and Associates, Georgia Registered Land Surveyor No. 2120, and being on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said property is under the custody of the Georgia Department of Behavioral Health and Developmental Disabilities and was known as the Northwest Regional Hospital ("the property");
(4) The Department of Behavioral Health and Developmental Disabilities has declared this property surplus to its needs and closed the hospital September 30, 2011;
(5) The Georgia Board of Behavioral Health and Developmental Disabilities on October 17, 2011, authorized the surplusing of this property and conveyance by competitive bid or to a local government or state entity, for fair market value, as determined by the State Properties Commission; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Franklin County, Georgia;
(2) Said improved real property is approximately 0.998 of an acre located at 159 A.T. Maulding Road (Georgia Highway 145), Franklin County, Georgia, lying and being in the 264th Georgia Militia District in the City of Carnesville as described in that 1996 deed recorded in Deed Book 342, Pages 61-63, and Plat Book 22, Page 330 of the Superior Court of Franklin County, and on file in the offices of the State Properties Commission as Real Property Record 08990 ("the property"), and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said tract or parcel was formerly the site of the Carnesville Poultry Lab, now under the custody of the Department of Agriculture;

(4) By letter dated January 9, 2012, the Commissioner of Agriculture declared the improved property surplus and no longer necessary for the operations of the agency; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Gwinnett County, Georgia;
(2) Said property is all that tract or parcel of land lying and being in Lot 13 of the 7th District of Gwinnett County containing approximately 2.212 acres and operated as Creative Enterprises, Inc., as described in that 25 year lease with the State of Georgia dated July 28, 1995 ("the lease"), a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #08649, and being more particularly described in a survey prepared by the Gwinnett County Engineering Department, more particularly William F. Rolander, Georgia Registered Land Surveyor No. 2042, dated April 18, 1977, recorded at Plat Book 6, Page 266, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #06392, and being more particularly described in a deed dated April 19, 1977, and being described in Deed Book 1366, Page 321 from Gwinnett County as grantor to the State of Georgia as grantee for $10.00 and other valuable consideration, recorded in the Office of the Clerk of Superior Court of Gwinnett County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #06392;
(3) The above-described property is under the custody of the Georgia Department of Labor;
(4) Creative Enterprises, Inc., is desirous of amending the term of the lease to expire July 28, 2037, to provide Creative Enterprises, Inc., the ability to make application for Community Development Block Grants (CDBG) that will fund necessary repairs and improvements to the facility, at no additional cost to the state;
(5) Creative Enterprises, Inc., will continue to provide training and employment services to individuals with disabilities, including vocational and work evaluations, work adjustment, job placement, social and personal adjustment services, community access group, community access individual, and prevocational services;
(6) By a letter dated February 20, 2012, the Commissioner for the Georgia Department of Labor recommends extending term of the lease to expire July 28, 2037; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Habersham County, Georgia;
(2) Said real property is all that parcel or tract lying and being Lot No. 85 of the 11th District of Habersham County and is more particularly described as approximately 3.91 acres on a plat dated September 20, 1918, a copy of which is on file as Real Property Record #00731 in the offices of the State Properties Commission, and being recorded in a deed dated December 7, 1943, and recorded in Deed Book VIII, Pages 452-462 in the Office of the Clerk of Superior Court of Habersham County, a copy of which is on file as

Real Property Record # 02804 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said property is under the custody of the Technical College System of Georgia and is formerly known as "The Presidents House" at North Georgia Technical College;
(4) The State Board of the Technical College System of Georgia on February 2, 2012, declared this property surplus to its needs; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Habersham County, Georgia;
(2) Said real property is approximately 0.11 of an acre located at 800 North Main Street, Cornelia, in Habersham County, Georgia, containing approximately 0.09 of an acre (lying and being in the City of Cornelia Lot 3, Block A of the J.C. Rudisill Subdivision of Level Ridge Circle) and 0.02 of an acre (Land Lot 149 of the 10th Land District, being 10 by 90 odd feet off of the southern part of Lot 4 of Block A of the same subdivision), respectively, and on file in the offices of the State Properties Commission as Real Property Record #00722 and #00721, respectively ("the property"), and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said tract or parcel was formerly the site of the Cornelia Entomology Lab, now under the custody of the Department of Agriculture;
(4) By letter dated January 9, 2012, the Commissioner of Agriculture declared the improved property surplus and no longer necessary for the operations of the agency; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Macon County, Georgia;
(2) Said real property is all that tract or parcel of land lying and being in the Industrial Park located within the city limits of Montezuma, Macon County, Georgia, containing 1.00 acre and being further described according to that plat of survey entitled "Survey for the City of Montezuma" dated April 27, 1994, and prepared by Kenneth Earl Dunmon, Georgia Registered Land Surveyor No. 1526, and being recorded in Plat Book 14, Page 37 and being on file in the Clerk's Office, Macon County Superior Court, and is more particularly described as that approximately 1.00 acres as described in that deed dated October 4, 1994, and being found in Deed Book 128, Pages 271-272 in the Office of the Clerk of Superior Court of Macon County, a copy of which is on file as Real Property Record #08578 in the offices of the State Properties Commission;
(3) Said property is under the custody of the Georgia Department of Agriculture and was known as Montezuma Poultry Veterinary Diagnostic Lab;
(4) The Georgia Department of Agriculture, as a result of consolidating operations, has declared this property surplus to its needs, and closed the facility;

(5) The Commissioner for the Georgia Department of Agriculture on January 9, 2012, authorized the surplusing of this property; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Macon County, Georgia;
(2) Said real property is all that parcel or tract lying and being in the City of Montezuma, Macon County, and is more particularly described as approximately five acres on a plat recorded in Plat Book S, Page 359, recorded in the Office of the Clerk of Superior Court of Macon County and on file in the offices of the State Properties Commission inventoried as Real Property Record # 07371, and being recorded in a deed dated April 27, 1957, Deed Book 3-R, Folio 149 from T. F. Nelson as grantor to the State of Georgia as grantee for $1.00 and other valuable consideration, recorded in the Office of the Clerk of Superior Court of Macon County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #00921;
(3) Said tract or parcel was formerly the site of Montezuma Armory, now under the custody of the Department of Defense;
(4) The City of Montezuma is desirous of acquiring the above-described property for public purpose;
(5) By letter dated January 31, 2012, the Adjutant General stated that the above-described improved property is surplus to the needs of the department and requested that the above-described property be conveyed for the amount of the outstanding General Obligation bonds or no less than $10.00, so long as the property is to be used for public purpose and payment of applicable outstanding General Obligation bonds and interest; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Madison County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Georgia Militia District 204 of Madison County and is more particularly described as a total of approximately 0.65 of an acre in two parcels (0.37 and 0.28 of an acre) on a plat of survey dated April 7, 1981, recorded in Plat Book 21, Page 3, and the approximately 0.37 of an acre parcel being recorded in a deed dated June 7, 1955, in Deed Book U-3, Page 363 in the Office of the Clerk of Superior Court of Madison County, a copy of which is on file as Real Property Record #04444 in the offices of the State Properties Commission, and the 0.28 of an acre parcel being recorded in a deed dated April 7, 1981, in Deed Book A-7, Folio 421-423 in the Office of the Clerk of Superior Court of Madison County, a copy of which is on file as Real Property Record #07025 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is under the custody of the State Forestry Commission and was the Madison Subunit;
(4) The State Forestry Commission has determined that a building constructed in 1971 on the property has outlived its economic life, and that closing the Madison Subunit will result in budgetary savings with minimal impact of service to the county, and on February 15, 2011, declared the improved property surplus to its needs;
(5) Madison County conveyed the property to the state for $1.00 and is desirous of acquiring the property from the state for $10.00 with the stipulation that the property be used for public purpose, and the county is willing to be responsible for the operating costs, maintenance, and needed facility renovations, and to allow the State Forestry Commission to keep personnel and equipment at that location at no cost other than those associated with the State Forestry Commission's personnel and fire equipment; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in McIntosh County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Georgia Militia District 271 of McIntosh County and is more particularly described as a total of approximately 46.5 acres in two parcels (44.5 acres acquired on February 23, 1996, and 2 acres for access acquired on February 28, 1996) on a plat of surveys recorded in Plat Cabinet 1, Slide 85-A and Plat Cabinet 1, Page 82-M, respectively, and which are on file as Real Property Records #09137 and 09135, respectively ("the property") in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the Georgia Department of Juvenile Justice and was the McIntosh Youth Development Center;
(4) The Board of Juvenile Justice has determined that closing the McIntosh Youth Development Center will result in budgetary savings with improved service, outstanding general bonds and debt service remains on the property, and on December 8, 2011, declared the improved property surplus to its needs and does not object to it being surplused to the Coastal Regional Commission;
(5) The Coastal Regional Commission is a state entity;
(6) The Coastal Regional Commission on November 16, 2011, authorized an acquisition or lease of the property; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Mitchell County, Georgia;
(2) Said real property is all that tract or parcel of land lying and being in Land Lot 356 of the 10th District, Mitchell County, Georgia, and being made up of approximately 1.50 acres in a deed dated December 29, 1994, recorded in Deed Book 400, Pages 106-108 in the Office of the Clerk of Superior Court of Mitchell County, a copy of which is on file

as Real Property Record #10961 in the offices of the State Properties Commission, and as described on a plat dated June 6, 1994, and revised June 21, 1994, prepared for the Development Authority of the City of Camilla by Larry W. Grogan, Georgia Registered Land Surveyor No. 1649, a copy of which is recorded in Plat Book 24, Page 207 in the Office of the Clerk of Superior Court of Mitchell County;
(3) Said property is under the custody of the Georgia Department of Agriculture and was known as Camilla Poultry Veterinary Diagnostic Lab;
(4) The Georgia Department of Agriculture, as a result of consolidating operations, has declared this property surplus to its needs, and closed the facility;
(5) The Commissioner for the Georgia Department of Agriculture on January 9, 2012, authorized the surplusing of this property; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Montgomery County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Georgia Militia District 1757 of Montgomery County and is more particularly described as a total of approximately 1.5 acres on a plat of survey dated October 19, 1956, recorded in Deed Book 46, Page 248, and recorded originally in a deed with reversionary clause dated October 20, 1956, in Deed Book 46, Pages 249-250, and in a deed dated December 14, 1962, in which the reversionary clause was removed, recorded in Deed Book 51, Page 264 in the Office of the Clerk of Superior Court of Montgomery County, a copy of which is on file as Real Property Records #00987.01 and 00987.02 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the State Forestry Commission and was the Montgomery Subunit;
(4) The State Forestry Commission has determined that a building constructed in 1971 on the property has outlived its economic life, and that closing the Montgomery Subunit will result in budgetary savings with minimal impact of service to the county, and on June 24, 2010, declared the improved property surplus to its needs;
(5) Montgomery County is desirous of acquiring the property from the state for $10.00 with the stipulation that the property only be used for public purpose, and the county is willing to be responsible for the operating costs, maintenance, and needed facility renovations, and to allow the GFC to keep personnel and equipment at that location at no cost other than those associated with the State Forestry Commission's personnel and fire equipment; and

WHEREAS:
(1) The State of Georgia is the owner of certain parcels of real property located in Muscogee County, Georgia;

(2) Said real property is all that tract or parcel lying and being in Land Lot 59 of the 9th District of Muscogee County and containing approximately 0.054 of one acre to be conveyed at the intersection of Transport Boulevard and Cargo Drive, Columbus, Georgia, as more particularly described as that area highlighted in yellow on a May 6, 2009, drawing entitled "MAINLINE PLAN, CARGO DRIVE AT TRANSPORT BOULEVARD" in Muscogee County, Drawing Number 13-02, Project Number PRC 10-5008-00(525), and being on file in the offices of the State Properties Commission; and may be more particularly described on an engineered drawing prepared by Jordon Jones & Goulding, and presented to the State Properties Commission for approval;
(3) Said property is under the custody of the Technical College System of Georgia;
(4) The Columbus Consolidated Government is improving the road as a part of Project PRC 10-5008-00(525), Muscogee County;
(5) The Columbus Consolidated Government requires that the above-described property be owned in the name of the Columbus Consolidated Government and will acquire the property from the state for consideration of improving ingress and egress safety to the site by constructing a traffic circle;
(6) The State Board of the Technical College System of Georgia, at its meeting of June 2, 2011, authorized the conveyance of the above-described properties to the Columbus Consolidated Government; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Muscogee County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Land Lot 34 of the 9th Land District, Muscogee County, and is more particularly described as a total of approximately 3.1 acres, more particularly described on a plat of survey entitled "Boundary Line Plat of Survey prepared for State of Georgia (State Forestry Commission)" dated October 28, 1970, and prepared by the Muscogee County Engineer and being recorded as Real Property Record #05084 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the State Forestry Commission;
(4) The State Forestry Commission is consolidating its activities around this state and has determined that the activities performed at the above-described property should be consolidated with the Harris-Talbot County location;
(5) The State Forestry Commission declared the improved property surplus to its needs; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Polk County, Georgia;

(2) Said real property is all that parcel or tract lying and being in Land Lots 733, 734, 779, and 780 of the 2nd Land District of the 4th Section of Polk County and is more particularly described as 12 acres on a plat of survey in Plat Book N, Page 130, and recorded in a deed dated June 22, 1989, in Deed Book 415, Page 543 in the Office of the Clerk of Superior Court of Polk County, a copy of which is on file as Real Property Record #07819 in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the Department of Corrections and was the site of the Cedartown State Prison, which has since been closed and on which outstanding General Obligation bonds principal and payments must be satisfied;
(4) Department of Corrections has determined that a prison will not be operated at this site and the above-described property will no longer be needed by the Department, and the Board of Corrections declared the improved property surplus to its needs;
(5) The City of Cedartown conveyed the property to the State for $1.00;
(6) The Otis Nixon Foundation is a nonprofit organization aligned with the Department's Re-Entry programs for job placement and treatment of inmates released from state correctional facilities;
(7) The Otis Nixon Foundation is desirous of leasing the property from this state for good and valuable consideration as determined by the State Properties Commission, including the provision of job placement and treatment services of former inmates for the Department of Corrections; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Quitman County, Georgia;
(2) Said real property is all that parcel or tract lying and being on the south lot line of Lot 224, 21st District, Quitman County, and is more particularly described as a total of approximately 1.01 acres on a plat of survey recorded in Plat Book 1, Page 24, and which is on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) The above-described property is under the custody of the State Forestry Commission and was the Quitman County office of the Stewart Subunit;
(4) The State Forestry Commission on October 29, 2011, declared the property surplus to its needs; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Richmond County, Georgia;
(2) Said real property is all those parcels or tracts lying and being in the City of Augusta, Richmond County, totaling approximately 0.28 of one acre on a plat of survey entitled "TELFAIR ST., SURVEY FOR STATE OF GEORGIA, 2 LOTS KNOWN AS 424 9TH

ST AND 909-911 TELFAIR ST" dated June 24, 1961, prepared by Ralph A. Bennitt, Jr., Georgia Registered Land Surveyor No. 3177, on file in the offices of the State Properties Commission inventoried as Real Property Record #02822, and being more particularly described as all that parcel or tract being approximately 0.2197 of one acre recorded in a deed dated June 30, 1961, and being described in Deed Book V, Pages 41-49 from Wilmington Finance Co., Inc., as grantor to the State of Georgia as grantee for $86,500.00, recorded in the Office of the Clerk of Superior Court of Richmond County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #02822, and all that parcel or tract being approximately 0.0584 of one acre recorded in a deed dated June 30, 1961, and being described in Deed Book V, Pages 41-49 from Edgar E. Murrah as grantor to the State of Georgia as grantee for $15,000.00, recorded in the Office of the Clerk of Superior Court of Richmond County, a copy of which is on file in the offices of the State Properties Commission inventoried as Real Property Record #02822;

(3) Said property is under the custody of the Technical College System of Georgia and was a library service for the blind known as Talking Books in Augusta;

(4) By resolution dated February 2, 2012, the State Board of the Technical College System of Georgia declared this property surplus to its needs; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property totaling approximately 16.47 acres and is the lessee of a certain 5.80 acre parcel leased from Augusta-Richmond County located in Richmond County, Georgia;

(2) Said real property is all those parcels or tracts lying and being in the 87th Georgia Militia District, City of Augusta, Richmond County, totaling approximately 16.47 state owned acres on file in the offices of the State Properties Commission inventoried as Real Property Records #09278 through 09286, 10331, 09672, 09285, and 09109; and any assignable leasehold interest in the 5.8 acre lease; as shown on a plat of survey entitled "SURVEY FOR GEORGIA GOLF HALL OF FAME" dated April 15, 1997, prepared by Cranston, Robertson and Whitehurst, P.C., and recorded in the Office of the Clerk of Superior Court of Richmond County at Realty Reel 537, Page 710, a copy of which is on file in the offices of the State Properties Commission inventoried as State Properties Commission Record 838.15;

(3) Said property is under the custody of the State Properties Commission of Georgia and is formerly known as the Georgia Golf Hall of Fame;

(4) The Board of Regents of the University System of Georgia, an institution of the State of Georgia in accordance with O.C.G.A. § 20-3-20, in March, 2012, approved the acquisition of this property from the State of Georgia, acknowledged that this state previously issued General Obligation bonds for the purpose of financing some or all of the facilities, and the board acknowledged that it shall not take, nor fail to take, any action which would cause such tax exempt bonds to be deemed private activity bonds or arbitrage bonds under the tax code and shall not use the property for any

nongovernmental purpose, or any purpose that would give rise to private business use, within the meaning of the tax code; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Richmond County, Georgia;
(2) Said real property is all that parcel or tract lying and being in Georgia Militia District 123, known as Circular Court, Richmond County, Georgia, and is more particularly described as approximately 7.4 acres on a survey dated July 20, 1966, prepared by Clarence Jones, and on file in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said tract or parcel was formerly the site of the Old Augusta Regional Youth Detention Center, now under the custody of the Department of Juvenile Justice;
(4) The consolidated government of Augusta-Richmond County is desirous of acquiring the above-described property for public purpose;
(5) The Commissioner of the Department of Juvenile Justice stated by letter that the above-described improved property is surplus to the needs of the department and will recommend to the Board of Juvenile Justice that the above-described property be approved as surplus; and

WHEREAS:
(1) The State of Georgia is the owner of certain parcels of real property located in Telfair County, Georgia;
(2) Said real property is all that tract located in Land Lot 46, 9th District, City of Milan, Telfair County, Georgia, and is more particularly described on that drawing by Georgia Department of Corrections Engineering Services and Technical Support titled "Telfair County - Milan State Prison Properties" dated December 30, 2008, depicting Parcels A (approximately 0.835 of an acre), B (approximately 1.071 acre), and C (approximately 0.320 of an acre), totaling approximately 2.226 acres, on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Milan State Prison has now outlived its intended use and Parcels A, B, and C are under the custody of the Department of Corrections;
(4) Milan State Prison was declared surplus by the Board of Corrections on January 6, 2009;
(5) By resolution dated August 1, 2011, the City of Milan has agreed to purchase the three parcels for $10,000.00; and

WHEREAS:
(1) The State of Georgia is the owner of certain parcels of real property located in Ware County, Georgia;

(2) Said real property is all that tract or parcel lying and being in Land Lot 168 of the 8th District of Ware County and containing approximately 0.009 of one acre to be conveyed along the corner of Carswell Avenue and George Street, Waycross, Georgia, as more particularly described as that area highlighted in red on a September 30, 2011, drawing entitled "Proposed Property Acquisition for George Street Improvements" prepared by the Engineering Division of the City of Waycross, Ware County, Georgia, and being presented to the State Properties Commission for approval;
(3) Said property is under the custody of the Technical College System of Georgia;
(4) The City of Waycross is improving the road as a part of a Department of Transportation Local Maintenance and Improvement Grant (LMIG);
(5) The City of Waycross requires that the above-described property be owned in the name of the City of Waycross and will acquire the property from the state for consideration of improving traffic safety, turning radius, and storm-water drainage;
(6) The State Board of the Technical College System of Georgia, at its meeting of November 1, 2011, authorized the conveyance of the above-described properties to the City of Waycross; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Washington County, Georgia;
(2) Said real property is all those tracts or parcels of land lying and being in the City of Sandersville facing north on Highway 242, containing approximately 2.583 acres as described in that deed dated November 1, 1955, inventoried as Real Property Record #01410, and on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
(3) Said tract or parcel was formerly the site of Sandersville Armory, now under the custody of the Department of Defense;
(4) The City of Sandersville is desirous of acquiring the above-described property for public purpose, including government functions either directly provided by the City or contracted to/through the city for such public use;
(5) By letter dated December 1, 2011, the Adjutant General stated that the above-described improved property is surplus to the needs of the department, that there are no outstanding General Obligation bonds on this project, and recommended conveyance to the City of Sandersville to be used for public purpose; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Wayne County, Georgia;
(2) Said real property is all that parcel or tract lying and being Tracts 1 and 2 on a plat dated July 15, 1949, prepared by G. M. Harrington, C. E., Wayne County, and is more particularly described as that approximately 1.6787 acres and 4.875 acres as described in that deed dated October 4, 1949, and being found in Deed Book 65, Pages 97-100 in the

Office of the Clerk of Superior Court of Wayne County, a copy of which is on file as Real Property Record #01411 in the offices of the State Properties Commission;
(3) Said property is under the custody of the Georgia Department of Agriculture and was known as Jesup Farmers Market, District Office, and associated buildings;
(4) The Georgia Department of Agriculture, as a result of consolidating operations, has declared this property surplus to its needs, and closed the facility;
(5) The Commissioner for the Georgia Department of Agriculture on January 9, 2012, authorized the surplusing of this property; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in White County, Georgia;
(2) Said real property is all that parcel or tract lying and being Land Lot 130 of the 3rd District of White County and is more particularly described as approximately 27 acres on a plat dated December, 1967, as prepared by Farley Collins, Georgia registered land surveyor, and recorded in Plat Book 3, Page 117 on May 6, 1968, in the Office of the Clerk of Superior Court of White County, a copy of which is on file as Real Property Record #06445 in the offices of the State Properties Commission and being recorded in a deed dated June 13, 1968, and recorded in Deed Book XII, Pages 161-162 in the Office of the Clerk of Superior Court of White County, a copy of which is on file as Real Property Record #03924 in the offices of the State Properties Commission;
(3) Said property is under the custody of the Department of Natural Resources and is part of Outdoor Therapeutic Center, White County;
(4) The State Board of Natural Resources on February 29, 2012, declared this property surplus to the needs of the department; and

WHEREAS:
(1) The State of Georgia is the owner of a certain parcel of real property located in Whitfield County, Georgia;
(2) Said real property is all that tract or parcel of land lying and being in Land Lot 144 of the 12th District, Whitfield County, Georgia, and being made up of approximately 0.55 of one acre in a deed dated August 19, 1997, recorded in Deed Book 2879, Pages 200-202 in the Office of the Clerk of Superior Court of Whitfield County, a copy of which is on file as Real Property Record #09097 in the offices of the State Properties Commission, and as described on a survey prepared for Whitfield County by Allied Surveying, Inc., more particularly Donald O. Babb, Georgia Registered Land Surveyor No. 2029, a copy of which is recorded in Plat Cabinet C, Slide 1579, in the Office of the Clerk of Superior Court of Whitfield County;
(3) Said property is under the custody of the Georgia Department of Agriculture and was known as Dalton Poultry Veterinary Diagnostic Lab;
(4) The Georgia Department of Agriculture, as a result of consolidating operations, has declared this property surplus to its needs, and closed the facility;

(5) The Commissioner for the Georgia Department of Agriculture on January 9, 2012, authorized the surplusing of this property.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

SECTION 1.

That the State of Georgia is the owner of the above-described real property in Baldwin County and that in all matters relating to the leasing of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to amend the lease with a nonexclusive appurtenant easement for the duration of the lease term to construct and operate on 0.44 of an acre as described above waste-water system improvements for use by Riverbend Prison, and, for only maintenance cost of the new equipment, additional use by Baldwin State Prison for the term of the lease, and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 3.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including the execution of all necessary documents.

SECTION 4.

That the amended lease shall be recorded by The GEO Group, Inc., as lessee in the Superior Court of Baldwin County, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 5.

That the authorization to lease the above-described property shall expire three years after the date this resolution becomes effective.

ARTICLE II

SECTION 6.

That the State of Georgia is the owner of the above-described real property in Bartow County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 7.

That the above-described property may be conveyed by appropriate instrument by the

State of Georgia, acting by and through its state Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 8.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 9.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 10.

That the deed of conveyance shall be recorded by the Grantee in the Superior Court of Bartow County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 11.

That custody of the above-described property interest shall remain under the State Forestry Commission until the property is conveyed.

ARTICLE III

SECTION 12.

That the State of Georgia is the owner of the above-described real property in Bibb County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 13.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, for a consideration of the fair market value and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 14.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 15.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 16.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Bibb County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 17.

That custody of the above-described property interest shall remain under the Georgia Department of Economic Development until the property is conveyed.

ARTICLE IV

SECTION 18.

That the State of Georgia is the owner of the above-described real property in Carroll County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 19.

That the above-described property may be conveyed to the Carroll County Board of Commissioners by the State Properties Commission with the Heritage Preserve designation removed as requested by the department and authorized by the General Assembly in Act 232 and recorded in the Clerk of Superior Court of Carroll County, and a conservation easement restricting the property to use as a public park with additional but limited recreational development allowed, and annual monitoring by the state of the conservation easement. If in the future the county determines that it is in the best interest of the county or local government, fee simple title to the property may, if authorized by the department and the State Properties Commission, revert back to the state. Additional consideration by the county would be payment of currently remaining General Obligation bonds and interest on the property and purchase of personal property at the park. The conveyance will be by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 20.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 21.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 22.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Carroll County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 23.

That custody of the above-described property interest shall remain under the Georgia Department of Natural Resources until the property is conveyed.

ARTICLE V

SECTION 24.

That the State of Georgia is the owner of the above-described real property in Clay County and that in all matters relating to the leasing of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 25.

That the above-described property may be leased to Clay County by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, for an initial term of five years with a five-year renewal term, and the consideration for such lease shall be $10.00, the use of the tower shall retained for the State of Georgia and the State Forestry Commission, and the requirement that the property be used for public purpose, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 26.

That the authorization in this resolution to lease the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 27.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 28.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Clay County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 29.

That custody of the above-described property interest shall remain under the State Forestry Commission.

ARTICLE VI

SECTION 30.

That the State of Georgia is the owner of the above-described real properties located in Clinch County and that in all matters relating to the granting of the nonexclusive easement on the real property easement area and of the conveyance of the conveyance area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 31.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such nonexclusive easement and such fee simple conveyance by appropriate instruments for the State of Georgia, including the execution of all necessary documents.

SECTION 32.

That Georgia Department of Transportation shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the purpose of the US Highway 441 widening project. That, after the Georgia Department of Transportation has put into use the road improvements this easement is granted for, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, the Georgia Department of Transportation, or its successors and assigns, shall have the option of removing their facilities from the easement area or leaving the same in place, in which event the road improvements shall become the property of the State of Georgia, or its successors and assigns.

SECTION 33.

That no title shall be conveyed to Georgia Department of Transportation and, except as herein specifically granted to Georgia Department of Transportation, all rights, title, and interest in and to said easement area is reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to Georgia Department of Transportation.

SECTION 34.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with this state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia, and Georgia Department of Transportation shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a

portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by Georgia Department of Transportation. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia. If an easement is relocated for any reason, the State Properties Commission is authorized to convey by quitclaim deed the state's interest in the former easement area.

SECTION 35.

That the easement granted to Georgia Department of Transportation shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interest of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 36.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, or of a county with respect to the county road system or of a municipality with respect to the city street system. The grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 37.

That the consideration for such easement and such conveyance shall be $10.00 and such further consideration and provisions as the State Properties Commission may determine to be in the best interest of the State of Georgia.

SECTION 38.

That the nonexclusive easement and the conveyance deed shall be recorded by the Georgia Department of Transportation in the Superior Court of Clinch County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 39.

That the authorization to issue the above-described documents shall expire three years after the date this resolution becomes effective.

SECTION 40.

That custody of the above-described property interest shall remain under the State Forestry Commission until the property is conveyed.

ARTICLE VII
SECTION 41.

That the State of Georgia is the owner of the above-described property in Coffee County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 42.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 43.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 44.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 45.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Coffee County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 46.

That custody of the above-described property shall remain under the Department of Agriculture until the property is conveyed.

ARTICLE VIII
SECTION 47.

That the State of Georgia is the owner of the above-described real property in Dade County and that in all matters relating to the exchange of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 48.

That the State of Georgia acting by and through its State Properties Commission is authorized to convey the above-described 0.683 of an acre property to Dade County in exchange for Dade County conveying to the State of Georgia the three-acre property and cancellation of the lease on the three acres; and such further consideration and provisions

as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 49.

That the authorization in this resolution to convey the above-described easement shall expire three years after the date this resolution becomes effective.

SECTION 50.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 51.

That the exchanged deeds for these properties shall be recorded by the county in the Superior Court of Dade County and a recorded copy of each deed shall be forwarded to the State Properties Commission.

SECTION 52.

That the above-described 0.683 of an acre property shall remain under the custody of the State Forestry Commission until that property is conveyed.

ARTICLE IX

SECTION 53.

That the State of Georgia is the owner of the above-described real property in Decatur County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 54.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Bainbridge for a consideration of $10.00 so long as the property is used for public purpose and the payment of outstanding General Obligation bonds and interest or other payments, or by competitive bid for fair market value, or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 55.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 56.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 57.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Decatur County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 58.

That custody of the above-described property shall remain under the Department of Defense until the property is conveyed.

ARTICLE X

SECTION 59.

That the State of Georgia is the owner of the above-described real property in Dodge County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 60.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Eastman-Dodge County Regional Development Authority for a consideration of $10.00, so long as the property is used for public purpose, and payment of applicable outstanding General Obligation bonds and interest, or by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 61.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 62.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 63.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Dodge County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 64.

That custody of the above-described property shall remain under the Department of Defense until the property is conveyed.

ARTICLE XI
SECTION 65.

That the State of Georgia is the owner of the above-described property in Dougherty County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 66.
That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 67.
That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 68.
That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 69.
That the deed of conveyance shall be recorded by the grantee in the Superior Court of Dougherty County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 70.
That custody of the above-described property shall remain under the Department of Agriculture until the property is conveyed.

ARTICLE XII
SECTION 71.

That the State of Georgia is the owner of the above-described real property in Dougherty County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 72.
That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission as a sale to the Georgia Department of Transportation for the fair market value and such further

consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 73.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 74.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 75.

That the deed of conveyance shall be recorded by the Georgia Department of Transportation as grantee in the Superior Court of Dougherty County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 76.

That custody of the above-described property interest shall remain under the Technical College System of Georgia until the property is conveyed.

ARTICLE XIII

SECTION 77.

That the State of Georgia is the owner of the above-described real property in Early County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 78.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Early County Board of Commissioners for a consideration of $10.00 so long as the property is used for public purpose and the payment of outstanding General Obligation bonds and interest, or by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 79.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 80.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 81.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Early County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 82.

That custody of the above-described property shall remain under the Department of Juvenile Justice until the property is conveyed.

ARTICLE XIV

SECTION 83.

That the State of Georgia is the owner of the above-described real property in Floyd County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 84.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid or to a local government or state entity for a consideration of the fair market value and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 85.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 86.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 87.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Floyd County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 88.

That custody of the above-described property interest shall remain under the Department of Behavioral Health and Developmental Disabilities until the property is conveyed.

ARTICLE XV

SECTION 89.

That the State of Georgia is the owner of the above-described property in Franklin County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 90.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 91.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 92.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 93.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Franklin County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 94.

That custody of the above-described property shall remain under the Department of Agriculture until the property is conveyed.

ARTICLE XVI

SECTION 95.

That the State of Georgia is the owner of the above-described real property located in Gwinnett County and that in all matters relating to the leasing of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 96.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to amend the term of the lease to expire July 28, 2037, for the consideration of the continuation of services to the public provided by Creative Enterprises, Inc., at no cost to this state, and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 97.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including the execution of all necessary documents.

SECTION 98.

That the amended lease shall be recorded by Creative Enterprises, Inc., as lessee in the Superior Court of Gwinnett County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 99.

That the authorization to lease the above-described property shall expire three years after the date this resolution becomes effective.

ARTICLE XVII

SECTION 100.

That the State of Georgia is the owner of the above-described real property in Habersham County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 101.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 102.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 103.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 104.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Habersham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 105.

That custody of the above-described property interest shall remain under the Technical College System of Georgia until the property is conveyed.

ARTICLE XVIII

SECTION 106.

That the State of Georgia is the owner of the above-described property in Habersham County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 107.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 108.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 109.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 110.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Habersham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 111.

That custody of the above-described property shall remain under the Department of Agriculture until the property is conveyed.

ARTICLE XIX

SECTION 112.

That the State of Georgia is the owner of the above-described real property in Macon County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 113.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 114.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 115.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 116.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Macon County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 117.

That custody of the above-described property interest shall remain under the Georgia Department of Agriculture until the property is conveyed.

ARTICLE XX

SECTION 118.

That the State of Georgia is the owner of the above-described real property in Macon County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 119.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Montezuma for a consideration of $10.00 so long as the property is used for public purpose, and payment of applicable outstanding General Obligation bonds and interest, or by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 120.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 121.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 122.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Macon County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 123.

That custody of the above-described property shall remain under the Department of Defense until the property is conveyed.

ARTICLE XXI

SECTION 124.

That the State of Georgia is the owner of the above-described real property in Madison County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 125.

That the above-described property may be conveyed to Madison County by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, for $10.00 with public purpose use, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 126.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 127.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 128.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Madison County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 129.

That custody of the above-described property interest shall remain under the State Forestry Commission until the property is conveyed.

ARTICLE XXII
SECTION 130.

That the State of Georgia is the owner of the above-described real property in McIntosh County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 131.
That the above-described property may be leased or conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to a local government or state entity, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 132.
That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 133.
That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 134.
That the deed of conveyance shall be recorded by the grantee in the Superior Court of McIntosh County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 135.
That custody of the above-described property interest shall remain under the Department of Juvenile Justice until the property is conveyed.

ARTICLE XXIII
SECTION 136.

That the State of Georgia is the owner of the above-described real property in Mitchell County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 137.
That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and

provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 138.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 139.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 140.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Mitchell County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 141.

That custody of the above-described property interest shall remain under the Georgia Department of Agriculture until the property is conveyed.

ARTICLE XXIV

SECTION 142.

That the State of Georgia is the owner of the above-described real property in Montgomery County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 143.

That the above-described property may be conveyed to Montgomery County by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, for $10.00 with public purpose use, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 144.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 145.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 146.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Montgomery County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 147.

That custody of the above-described property interest shall remain under the State Forestry Commission until the property is conveyed.

ARTICLE XXV

SECTION 148.

That the State of Georgia is the owner of the above-described real property in Muscogee County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 149.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission as a sale to the Columbus Consolidated Government for the fair market value and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 150.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 151.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 152.

That the deed of conveyance shall be recorded by the Columbus Consolidated Government as grantee in the Superior Court of Muscogee County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 153.

That custody of the above-described property interest shall remain under the Technical College System of Georgia until the property is conveyed.

ARTICLE XXVI

SECTION 154.

That the State of Georgia is the owner of the above-described real property in Muscogee County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 155.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia acting by and through its State Properties Commission by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 156.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 157.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 158.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Muscogee County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 159.

That custody of the above-described property interest shall remain under the State Forestry Commission until the property is conveyed.

ARTICLE XXVII

SECTION 160.

That the State of Georgia is the owner of the above-described real property in Polk County and that in all matters relating to the leasing of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 161.

That the above-described improved property may be leased for a term of up to ten years by appropriate instrument from the State of Georgia, acting by and through its State Properties Commission, to the Otis Nixon Foundation for good and valuable consideration as determined by the State Properties Commission, including satisfaction of all bond obligations and provision of job placement and treatment services of former inmates for the Department of Corrections and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 162.

That the authorization in this resolution to lease the above-described property shall expire three years after the date that this resolution becomes effective.

SECTION 163.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such ground lease.

SECTION 164.

That the ground lease shall be recorded by the grantee in the Superior Court of Polk County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 165.

That custody of the above-described property shall remain under the Georgia Department of Corrections during the ground lease term.

ARTICLE XXVIII

SECTION 166.

That the State of Georgia is the owner of the above-described real property in Quitman County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 167.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 168.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 169.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 170.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Quitman County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 171.

That custody of the above-described property interest shall remain under the State Forestry Commission until the property is conveyed.

ARTICLE XXIX

SECTION 172.

That the State of Georgia is the owner of the above-described real property in Richmond County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 173.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 174.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 175.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 176.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Richmond County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 177.

That custody of the above-described property interest shall remain under the Technical College System of Georgia until the property is conveyed.

ARTICLE XXX

SECTION 178.

That the State of Georgia is the owner and lessee respectively of the above-described real property in Richmond County and that in all matters relating to the conveyance of the real property or real property interest respectively the State of Georgia is acting by and through its State Properties Commission.

SECTION 179.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia acting by and through its State Properties Commission to the Board of Regents of the University System of Georgia for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 180.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 181.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 182.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Richmond County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 183.

That custody of the above-described property interest shall remain under the State Properties Commission of Georgia until the property is conveyed.

ARTICLE XXXI

SECTION 184.

That the State of Georgia is the owner of the above-described real property in Richmond County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 185.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Consolidated Government of Augusta-Richmond County for a consideration of $10.00 so long as the property is used for public purpose, or by competitive bid for fair market value or to a local government or state entity for satisfaction of all bond obligations and other consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 186.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 187.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 188.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Richmond County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 189.

That custody of the above-described property shall remain under the Department of Juvenile Justice until the property is conveyed.

ARTICLE XXXII

SECTION 190.

That the State of Georgia is the owner of the above-described Telfair County real property and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 191.

That the above-described approximately 2.226 acres of real property may be conveyed to the City of Milan for the fair market value consideration of $10,000.00, or by competitive bid or to a local government or state entity for a consideration of the fair market value and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 192.

That the authorization in this resolution to sell the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 193.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 194.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Telfair County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 195.

That custody of the above-described properties shall remain under the Department of Corrections until the property is conveyed.

ARTICLE XXXIII

SECTION 196.

That the State of Georgia is the owner of the above-described real property in Ware County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 197.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission to the City of Waycross for $10.00 and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 198.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 199.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 200.

That the deed of conveyance shall be recorded by the City of Waycross as grantee in the Superior Court of Ware County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 201.

That custody of the above-described property interest shall remain under the Technical College System of Georgia until the property is conveyed.

ARTICLE XXXIV

SECTION 202.

That the State of Georgia is the owner of the above-described real property in Washington County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 203.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Sandersville for a consideration of $10.00, so long as the property is used for public

purpose, and payment of the amount of applicable outstanding General Obligation bonds and interest on the property.

SECTION 204.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 205.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 206.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Washington County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 207.

That custody of the above-described property shall remain under the Department of Defense until the property is conveyed.

ARTICLE XXXV

SECTION 208.

That the State of Georgia is the owner of the above-described real property in Wayne County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 209.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 210.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 211.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 212.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Wayne County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 213.

That custody of the above-described property interest shall remain under the Georgia Department of Agriculture until the property is conveyed.

ARTICLE XXXVI

SECTION 214.

That the State of Georgia is the owner of the above-described real property in White County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 215.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia acting by and through its State Properties Commission by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 216.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date that this resolution becomes effective.

SECTION 217.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 218.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of White County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 219.

That custody of the above-described property interest shall remain under the Georgia Department of Natural Resources until the property is conveyed.

ARTICLE XXXVII

SECTION 220.

That the State of Georgia is the owner of the above-described real property in Whitfield County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 221.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value or to a local government or state entity for consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 222.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 223.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 224.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Whitfield County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 225.

That custody of the above-described property interest shall remain under the Georgia Department of Agriculture until the property is conveyed.

ARTICLE XXXVIII

SECTION 226.

That this resolution shall become effective as law upon its approval by the Governor or upon its becoming law without such approval.

SECTION 227.

That all laws and parts of laws in conflict with this resolution are repealed.

Representative Greene of the 149th moved that the House agree to the Senate substitute to HR 1376.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam
Y Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
N Beasley-Teague
Y Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
Y Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dobbs
Y Dollar
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Y Hembree
Y Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
Y Holt
Y Horne
Y Houston
Y Howard
Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Jordan
Y Kaiser
N Kendrick
E Kidd
Y Kirby
Knight
Y Lane
Y Lindsey
Y Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Morgan
Morris
N Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Sims, C
Y Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Y Weldon
Y Wilkerson
Y Wilkinson
Willard
Y Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 158, nays 5.

The motion prevailed.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

Representative Stephenson of the 92nd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 861. By Representatives Harden of the 28th, Ramsey of the 72nd, Allison of the 8th, Dempsey of the 13th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers, so as to require law enforcement agencies to report drug related arrests to the Department of Human Services; to amend Article 1 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to general provisions for public assistance, so as to require drug testing for applicants and recipients of state administered TANF benefits; to provide for legislative intent; to provide for related matters; to provide for severability; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To provide a short title; to provide a statement of legislative intent; to amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to temporary assistance for needy families, so as to define certain terms; to provide that the Department of Human Services shall create an established drug test to be administered to each applicant for temporary assistance for needy families; to provide requirements; to provide that each applicant shall undergo a drug test in order to qualify for benefits; to provide that any person who fails such drug test shall be ineligible to receive benefits; to provide for reapplication; to provide for children's benefits; to provide for confidentiality of records; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Social Responsibility and Accountability Act."

SECTION 2.

It is the intent of the General Assembly to:

(1) Ensure that TANF funds are ultimately utilized for the intended purpose of alleviating the effects of poverty and are not diverted to illicit drug use;

(2) Protect children of poverty by ensuring such funds strengthen family life and reduce the danger that illicit drugs will be introduced into the home environment;

(3) Assist adults addicted to drugs to avoid the temptation and restructure their lives by focusing on employment and becoming better parents; and

(4) Ensure that the government does not subsidize the public health risk posed by drug use and the associated criminal activities.

SECTION 3.

Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to temporary assistance for needy families, is amended by adding a new Code section to read as follows:

"49-4-193.

(a) As used in this Code section, the term 'established drug test' means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 C.F.R. 11979, et seq., as amended) or other professionally valid procedures approved by the department; provided, however, that where possible and practicable, a swab test shall be used in lieu of a urinalysis.

(b) The department shall adopt rules and regulations for an established drug test which shall include the following:

(1) Which illegal drugs will be the subject of testing;

(2) Methods for assuring minimal privacy intrusions during collection of body fluid specimens for such testing;

(3) Methods for assuring proper storage, transportation, and handling of such specimens in order to ensure the integrity of the testing process;

(4) The identity of those persons entitled to the results of such tests and methods for ensuring that only authorized persons are given access to such results;

(5) A list of laboratories qualified to conduct established drug tests;

(6) A list of approved substance abuse treatment providers;

(7) Procedures for persons undergoing drug testing, prior to the collection of body fluid specimens for such testing, to provide information regarding use of any drug pursuant to a medical prescription or as otherwise authorized by law which may affect the results of such test;

(8) A requirement that the test be conducted no later than 48 hours after the application is approved by the department for TANF eligibility. Proof of eligibility from the department shall be issued to the applicant. The applicant shall show proof of eligibility to an authorized test examiner prior to submitting to the test; and

(9) A requirement that any applicant who demonstrates proof of active and current Medicaid benefits shall pay a drug screening application fee of no more than $17.00, and no authorized test examiner shall conduct a drug test if an applicant demonstrates active and current Medicaid benefits unless the applicant presents a receipt proving that he or she has paid the required drug screening application fee. Eligible applicants who do not

have active and current Medicaid benefits shall be responsible for paying the full cost of administering the drug test upon presentation to an authorized examiner.

(c) The department shall require a drug test consistent with subsection (b) of this Code section to screen each individual who applies for assistance. The cost of drug testing shall be the responsibility of the individual tested, provided that the individual does not submit proof of active Medicaid benefits to subsidize the cost of such drug testing pursuant to paragraph (9) of subsection (b) of this Code section. No assistance payment

shall be delayed because of the requirements of this Code section, and any payments made prior to the department's receipt of a test result showing a failure shall be recoverable.

(d) Any recipient of cash assistance under this article who tests positive for controlled substances as a result of a drug test required under this Code section shall be ineligible to receive TANF benefits as follows:

(1) For a first positive result, the recipient shall be ineligible for TANF benefits for one month and until he or she tests negative in a retest;

(2) For a second positive result, the recipient shall be ineligible for TANF benefits for three months and until he or she tests negative in a retest; and

(3) For a third and each subsequent positive result, the recipient shall be ineligible for TANF benefits for one year and until he or she tests negative in a retest unless the individual meets the requirements of subsection (f) of this Code section.

(e) The department shall:

(1) Provide notice of drug testing to each individual at the time of application. The notice shall advise the individual that drug testing will be conducted as a condition for receiving TANF benefits and that the individual shall bear the cost of testing. If the individual tests negative for controlled substances, the department shall increase the amount of the initial TANF benefit by the amount paid by the individual for the drug testing. However, if the individual used an active and current Medicaid benefit pursuant to paragraph (9) of subsection (b) of this Code section to subsidize the cost of the test, the individual shall not be eligible for direct TANF reimbursement. The individual shall be advised that the required drug testing may be avoided if the individual does not apply for TANF benefits. Dependent children under the age of 18 are exempt from the drug testing requirement;

(2) Require that for two-parent families, one parent shall comply with the drug testing requirement;

(3) Require that any teen parent who is not required to live with a parent, legal guardian, or other adult caretaker relative shall comply with the drug testing requirement;

(4) Advise each individual to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over the counter medication he or she is taking;

(5) Require each individual to be tested to sign a written acknowledgment that he or she has received and understood the notice and advice provided under paragraphs (1) and (4) of this subsection;

(6) Assure each individual being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample;

(7) Specify circumstances under which an individual who fails a drug test has the right to take one or more additional tests;

(8) Inform an individual who tests positive for a controlled substance and is deemed ineligible for TANF benefits for one year pursuant to paragraph (3) of subsection (d)

of this Code section that the individual may reapply for those benefits six months after the date of the positive drug test if he or she meets the requirements of subsection (f) of this Code section; and

(9) Provide any individual who tests positive with a list of substance abuse treatment providers approved by the department which are available in the area in which he or she resides. Neither the department nor the state shall be responsible for providing or paying for substance abuse treatment.

(f) An individual who tests positive for an illegal drug and is denied TANF benefits for one year may reapply for TANF benefits after six months if the individual can document the successful completion of a substance abuse treatment program offered by a provider approved by the department. An individual who has met the requirements of this subsection and reapplies for TANF benefits shall also pass an initial drug test and meet the requirements of subsection (c) of this Code section. Any drug test conducted while the individual is undergoing substance abuse treatment shall meet the requirements of subsection (b) of this Code section. The cost of any drug testing provided under this Code section and substance abuse treatment shall be the responsibility of the individual being tested and receiving treatment. An individual who fails the drug test required under subsection (c) of this Code section may reapply for TANF benefits under this subsection only once.

(g) If a parent is deemed ineligible for TANF benefits as a result of failing a drug test conducted under this Code section:

(1) The dependent child's eligibility for TANF benefits shall not be affected;

(2) An appropriate protective payee shall be designated to receive benefits on behalf of the child; and

(3) The parent may choose to designate another individual to receive benefits for the parent's minor child. The designated individual must be an immediate family member or, if an immediate family member is not available or the family member declines the option, another individual approved by the department. The designated individual shall also undergo drug testing before being approved to receive benefits on behalf of the child. If the designated individual tests positive for controlled substances, he or she shall be ineligible to receive benefits on behalf of the child.

(h) The results of any drug test done according to this Code section shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50, relating to inspection of public records. Such results shall not be used as a part of a criminal investigation or criminal prosecution. Such results shall not be used in a civil action or otherwise disclosed to any person or entity without the express written consent of the person tested or his or her heirs or legal representative. All such records shall be destroyed and deleted five years after the date of the test.

(i) No testing shall be required by the provisions of this Code section for any person whom the department determines is significantly hindered, because of a physical or mental handicap or developmental disability, from doing so or for any person enrolled in an enhanced primary care case management program operated by the Department of Community Health, Division of Medical Assistance to serve frail elderly and disabled

beneficiaries to improve the health outcomes of persons with chronic health conditions by linking primary medical care with home and community based services. In addition, no testing shall be required by the provisions of this Code section for any individuals receiving or on a waiting list for long-term services and supports through a non-Medicaid home and community based services program or for any individual residing in a facility such as a nursing home, personal care home, assisted living community, intermediate care facility for the mentally retarded, community living arrangement, or host home.

(j) The department shall adopt rules to implement this Code section."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Representative Harden of the 28th moved that the House agree to the Senate substitute to HB 861.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
E Amerson	Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	N Morgan	Y Smith, K
N Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	N Dukes	N Howard	Neal, J	N Smyre
N Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Y Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	Y Ehrhart	N Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N Oliver	N Stephenson
Y Braddock	N Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	N Floyd	N Johnson	Y Parrish	Taylor, R
N Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	N Fullerton	Jordan	Y Powell, A	N Thomas
Y Byrd	N Gardner	N Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	N Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Greene	Y Knight	N Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Clark, V	Y Harbin	N Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E

Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 110, nays 56.

The motion prevailed.

Due to a mechanical malfunction, the vote of Representative Taylor of the 55th was not recorded on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 965. By Representatives Knight of the 126th, Peake of the 137th and Carson of the 43rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, so as to allow certain fiduciaries an exception to the requirement of paying estimated taxes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, so as to allow certain fiduciaries an exception to the requirement of paying estimated taxes; to change certain provisions relating to withholding tax on taxable income of nonresident members of certain associations; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, is amended by revising Code Section 48-7-114, relating to payment of estimated income tax, as follows:

"48-7-114.

(a) **'Estimated tax' defined.** For purposes of this Code section, the term 'estimated tax' means the amount which the individual estimates as the amount of income tax

imposed by Code Section 48-7-20 less the amount which the individual estimates as the sum of credits allowable by law against the tax.

(b) **Requirement of estimated tax.** Except as otherwise provided in subsection (d) of this Code section, every resident individual and every taxable nonresident individual shall file his or her estimated tax for the current taxable year if he or she can be reasonably expected to be required to file a Georgia income tax return for the current taxable year and his or her gross income can reasonably be expected to:

(1) Include more than $1,000.00 from sources other than wages as defined in paragraph (10) of Code Section 48-7-100; and

(2) Exceed:

(A) One thousand five hundred dollars if the individual is single or the individual is married and not living with his or her spouse or the individual is married and expects to claim only $1,500.00 of the marital exemption; or

(B) Three thousand dollars if the individual is married and living with his or her spouse and expects to claim the full marital exemption.

(c) **Return as estimated tax.** If on or before January 31 of the succeeding taxable year or, in the case of an individual referred to in subsection (b) of Code Section 48-7-115, relating to income from farming and fishing, on or before March 1 of the succeeding taxable year, the taxpayer files a return for the taxable year for which the estimated tax is required and pays in full the amount computed on the return as payable and the estimate is not required to be filed during the taxable year but is required to be filed on or before January 15, then the return shall be considered as the estimate.

(d) **Exemptions.** This Code section shall not apply to an individual in a given tax year if:

(1) The sum of the allowable credits shown on the individual's income tax return for the tax year exceeds the individual's tax liability shown on the return before the tax liability is reduced by the amount of the allowable credits; and

(2) The individual reasonably expected at the time estimated tax was otherwise required to be filed with respect to the tax year that the conditions of paragraph (1) of this subsection would be met for the tax year.

(e)(1) **Applicability to fiduciaries.** With respect to taxable years beginning on or after January 1, 1988, fiduciaries shall be subject to all requirements of this article in the same manner as individuals, except as provided in paragraph (2) of this subsection.

(2) This Code section shall not apply with respect to any taxable year ending before the date two years after the date of the decedent's death in the case of:

(A) The estate of such decedent; or

(B) A testamentary trust as defined in IRC Section 6654(l)(2)(B)."

SECTION 2.

Said article is further amended by revising Code Section 48-7-129, relating to withholding tax on distributions to nonresidents, as follows:

"48-7-129.

(a)(1) Any partnership, Subchapter 'S' corporation, or limited liability company which owns property or does business within this state shall be subject to a withholding tax. Such tax shall be withheld from ~~any distributions paid or any distributions credited but not paid to members who are not residents of Georgia~~ a nonresident member's share of taxable income sourced to this state, whether distributed or not, except as provided in subsection (c) of Code Section 48-7-24. For purposes of this Code section, the term 'taxable income sourced to this state' means the entity's income allocated or apportioned to Georgia pursuant to Code Section 48-7-31 or as otherwise provided by law.

(2) The amount of tax to be withheld for each nonresident member shall be determined by multiplying the ~~distribution paid or the distribution credited but not paid~~ nonresident member's share of the taxable income sourced to this state by a rate of 4 percent. To the extent that the partnership, Subchapter 'S' corporation, or limited liability company remits withholding tax during the course of the tax year which exceeds the Georgia income tax liability of a nonresident member, that member shall be entitled to a refund of the excess withholding at the end of the taxable year.

(3) Any partnership, Subchapter 'S' corporation, or limited liability company which fails to withhold and pay over to the commissioner any amount required to be withheld under this Code section may be liable for a penalty equal to 25 percent of the amount not withheld and paid over. Any penalty imposed under this subsection shall be paid upon notice and demand by the commissioner or the commissioner's delegate and shall be assessed and collected in the same manner as the withholding taxes imposed by this article.

(4) The partnership, Subchapter 'S' corporation, or limited liability company and its members shall be jointly and severally liable for the withholding tax liability imposed under this subsection and shall be assessed accordingly.

(b)(1) As an alternative to the withholding requirement imposed by subsection (a) of this Code section, the commissioner may allow the filing of composite returns by partnerships, Subchapter 'S' corporations, or limited liability companies on behalf of their nonresident members and may provide for the requirements of filing composite returns by regulation. For purposes of this subsection, the term 'composite return' means a return filed by a partnership, Subchapter 'S' corporation, or limited liability company on behalf of all of its nonresident members which reports and remits the Georgia income tax of the nonresident members.

(2) Where a partnership, Subchapter 'S' corporation, or limited liability company chooses to file a composite return and meets all the requirements of filing such composite return, such partnership, Subchapter 'S' corporation, or limited liability company shall be exempt from the withholding requirements imposed under subsection (a) of this Code section.

(3) The liability imposed by this subsection shall be paid upon notice and demand by the commissioner or the commissioner's delegate and shall be assessed and collected in the same manner as all other withholding taxes imposed by this article.

(c)(1) If a partnership, Subchapter 'S' corporation, or limited liability company fails to remit withholding for a nonresident member and the commissioner determines that such failure is due to a false representation that the member is a resident of Georgia, there shall be imposed in addition to the tax a penalty of the greater of $250.00 or 5 percent of the amount which should have been withheld. The partnership, Subchapter 'S' corporation, or limited liability company and the nonresident member shall be jointly and severally liable for any such penalty imposed.

(2) The penalty imposed by this subsection shall be paid upon notice and demand by the commissioner or the commissioner's delegate and shall be assessed and collected in the same manner as withholding tax imposed by this article.

(d)(1) Every partnership, Subchapter 'S' corporation, or limited liability company which is required to deduct and withhold the withholding tax imposed by subsection (a) of this Code section shall remit such tax and file the required return on a form approved by the commissioner ~~as follows:~~.

~~(A) Taxes deducted and withheld on distributions paid by a partnership, Subchapter 'S' corporation, or limited liability company to members who are nonresidents shall be due on or before the last day of the calendar month following the calendar month within which the distribution was paid; and~~

~~(B)~~ Taxes ~~deducted and~~ withheld on ~~distributions credited but not paid by a partnership, Subchapter 'S' corporation, or limited liability company to members who are nonresidents~~ a nonresident member's share of the taxable income sourced to this state shall be due on or before the due date for filing the income tax return for the partnership, Subchapter 'S' corporation, or limited liability company as prescribed in subsection (a) of Code Section 48-7-56 without regard to any extension of time for filing such income tax return.

(2) Every partnership, Subchapter 'S' corporation, or limited liability company required to deduct and withhold tax under this article shall furnish a written statement or form approved by the commissioner to each nonresident member. Such statement or form shall include the name and federal tax identification number of the partnership, Subchapter 'S' corporation, or limited liability company, the member's name and federal tax identification number, the total amount of ~~distributions paid to the member~~ the nonresident member's share of the taxable income sourced to this state during the taxable year, the total amount of tax deducted and withheld with respect to such member during the year, and such other information as the commissioner shall prescribe. Such statement or form shall be furnished to the nonresident member and filed in duplicate with the commissioner on or before the earlier of the date the income tax return is filed or the due date for filing the income tax return of such partnership, Subchapter 'S' corporation, or limited liability company as prescribed in subsection (a) of Code Section 48-7-56 without regard to any extension of time for filing such income tax return.

(3) Any partnership, Subchapter 'S' corporation, or limited liability company required to furnish a nonresident member with the written statement required by this subsection which furnishes a false or fraudulent statement or which fails to furnish the

statement shall be subject to the penalty contained in subsection (d) of Code Section 48-7-126. The penalty imposed by this subsection shall be paid upon notice and demand by the commissioner or the commissioner's delegate and shall be assessed and collected in the same manner as the withholding tax imposed by this article.

(e)(1) Notwithstanding subsection (a) of this Code section, a partnership, Subchapter 'S' corporation, or limited liability company shall not be required to deduct and withhold tax for a nonresident member if:

(A) A composite return is filed on behalf of nonresident members pursuant to the requirements of filing such composite returns as set by the commissioner;

(B) The aggregate ~~annual distributions made to a member are~~ amount of a nonresident member's share of the taxable income sourced to this state is less than $1,000.00;

(C) A federally chartered Subchapter 'S' corporation fails to meet the requirements of subparagraph (b)(7)(B) of Code Section 48-7-21 and is therefore required to remit corporate income tax;

(D) Compliance will cause undue hardship on the partnership, Subchapter 'S' corporation, or limited liability company, provided that no partnership, Subchapter 'S' corporation, or limited liability company shall be exempt from complying with the withholding requirements imposed under subsection (a) of this Code section unless the commissioner approves in writing a written petition for exemption from the withholding requirements based on undue hardship. The commissioner may prescribe the form and contents of such a petition and specify standards for when a partnership, Subchapter 'S' corporation, or limited liability company shall not be required to comply with the withholding requirements due to undue hardship;

(E) The partnership is a publicly traded partnership as defined in Section 7704 of the Internal Revenue Code of 1986; or

(F) The member meets one of the exceptions as set forth in the rules and regulations promulgated by the commissioner.

(2) Where ~~distributions paid or distributions credited but not paid, or both, to nonresident members of partnerships, Subchapter 'S' corporations, or limited liability companies are~~ a nonresident member's share of the taxable income sourced to this state is subject to withholding under other provisions of Georgia law ~~or represent a return of such member's investment or a return of capital~~, such ~~distributions~~ amount shall not be subject to withholding under subsection (a) of this Code section.

(f) The commissioner shall be authorized to prescribe forms and to promulgate rules and regulations which the commissioner deems necessary in order to effectuate this Code section."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Section 2 of this Act shall be applicable to all taxable years beginning on or after January 1, 2012.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Representative Knight of the 126th moved that the House agree to the Senate substitute to HB 965.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	Mosby	Y Smith, R
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 164, nays 1.

The motion prevailed.

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

SB 203. By Senators Bethel of the 54th, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 23 of Title 33 of the Official Code of Annotated, relating to licensing of agents, agencies, subagents, counselors, and adjusters, so as to provide that certain individuals who collect and input data into an automated claims adjudication system are exempt from licensure; to provide for definitions; to change certain resident independent adjuster license requirements; to add certain nonresident independent adjuster license requirements; to provided for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 203

The Committee of Conference on SB 203 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 203 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Charlie Bethel Senator, 54th District	/s/ J. Shaw Representative, 176th District
/s/ Shafer Senator, 48th District	/s/ John Meadows Representative, 5th District
/s/ G. G. G. Senator, 7th District	/s/ Richard H. Smith Representative, 131st District

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to update this state's domestic farmers' mutual fire insurance companies provisions; to provide that the companies are organized for the purpose of insuring property; to provide for minimum surplus requirements for the issuance of a certificate of authority; to provide that certain changes to a plan of operation require filing and approval by the Commissioner; to provide for bylaw amendment at least 30 days prior to adoption; to provide for minimum surplus requirements; to provide for limitations on amount that may

be retained on any subject of insurance; to provide for the comprehensive revision of provisions regarding the issuance and regulation of limited licenses to sell portable electronics insurance; to provide for changes to license requirements for certain resident independent adjusters; to add certain nonresident independent adjuster license requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Geogia Annotated, relating to insurance, is amended by revising Chapter 16 of Title 33, relating to farmers' mutual fire insurance companies, as follows:

"CHAPTER 16

33-16-1.

This chapter applies only to domestic farmers' mutual fire insurance companies.

33-16-2.

(a) 'Domestic farmers' mutual fire insurance companies' are companies organized for the purpose of ~~insurance on the assessment or cooperative plan~~ insuring property against loss or damage by fire, lightning, windstorm, extended coverage, and hail, and for all, or ~~either~~ any, of such purposes.

(b) Domestic farmers' mutual fire insurance companies may write insurance against said hazards on such property risks as their charter and bylaws may provide.

33-16-3.

(a) Twenty or more persons a majority of whom are citizens of this state may become a body corporate for the purpose of transacting insurance upon the farmers' mutual fire insurance plan as defined in Code Section 33-16-2 by making an application for a charter signed by the persons applying for the charter or their counsel in triplicate specifying:

(1) The name of the proposed corporation. The name shall contain the words 'Farmers' Mutual' and shall not be so similar to any name already used by any other corporation authorized to transact business in this state as to be confusing or misleading;

(2) The purpose for which the corporation is formed;

(3) The name of the county in this state in which the corporation will have its principal office and the names of any other ~~contiguous~~ counties in which it proposes to operate;

(4) The name and address of each incorporator;

(5) The names and addresses of those composing the board of directors of the corporation in which the management shall be vested until the first meeting of the members; and

(6) Any other provisions not inconsistent with this chapter or other applicable laws as are deemed desirable by the incorporators or as may be required by the Commissioner.

(b) The corporate charter shall be granted by the Secretary of State as provided in Chapter 14 of this title.

33-16-4.

(a) No person shall transact or attempt to transact business as a farmers' mutual fire insurance company unless so authorized by a currently effective certificate of authority issued by the Commissioner.

(b) The Commissioner shall not issue or permit to exist any certificate of authority as to any ~~corporation or~~ insurer not currently qualified for such certificate unless it is shown to the satisfaction of the Commissioner that:

(1) ~~It has received bona fide applications from not less than 25 citizens of this state for not less than $100,000.00 of insurance covering farm property located in the county or counties in which it is organized to transact business, which shall not be more than four contiguous counties and those counties which are contiguous to the county of the corporation's or insurer's domicile and with not more than the maximum amount of insurance permitted on a single risk under Code Section 33-16-14~~ The farmers' mutual fire insurance company maintains the minimum surplus required by subsection (a) of Code Section 33-16-13;

(2) ~~It has collected in cash the first payment or premium or assessment required to be paid in advance by each such applicant for its insurance according to the company's bylaws or has received from each such applicant such form of obligation, if any, as may be provided for in the bylaws to cover liability for payment of initial assessments and any future assessments as may be levied~~ The farmers' mutual fire insurance company maintains a security deposit as required by subsection (c) of Code Section 33-16-13;

(3) ~~There is on deposit to its credit, in a bank located in the county of its domicile, funds representing a surplus of its assets over its liabilities in the amount of not less than $10,000.00; provided, however, that if such company writes an amount of insurance coverage of $7 million or more, the deposit of funds representing a surplus of its assets over its liabilities shall be an amount not less than $30,000.00~~ The farmers' mutual fire insurance company has submitted an acceptable business plan to the Commissioner that includes, but is not limited to, two-year financial projections and supporting assumptions reflecting expected premiums and losses, counties where the farmers' mutual fire insurance company intends to insure property, and the contingent liability, if any, of its members;

~~(4) At the time of filing the petition for a charter as required under Code Section 33-16-3, the organizers of the proposed company have filed with the Commissioner a~~

~~qualified bond in the sum of $5,000.00 with good and sufficient security, subject to the Commissioner's approval. The bond shall be conditioned for the prompt return to members of all money collected from them in advance and for payment of all indebtedness of the company if the organization of the company is not completed within two years after the date of the granting of the charter;~~ and

~~(5)~~(4) It must otherwise be in compliance with the requirements of this chapter.

(c) Any proposed changes to a farmers' mutual fire insurance company's plan of operation subsequent to licensure pursuant to this chapter, including but not limited to geographical expansion, shall be filed and approved in advance by the Commissioner.

33-16-5.

Farmers' mutual fire insurance companies shall pay no annual fees or charges other than an annual license fee as provided in Code Section 33-8-1.

33-16-6.

In companies organized under this chapter, the number of directors shall be not less than three. A majority of the board of directors shall be a quorum for the transaction of business. No person shall be or act as a director of the insurer who does not have currently effective insurance in force in the insurer.

33-16-7.

The board of directors of a farmers' mutual fire insurance company may, at any time, borrow such sum or sums of money as they may deem necessary to pay its losses, accrued or unaccrued, and may pledge the assets of the company including the contingent liability of policyholders for the losses as security for the loan.

33-16-8.

(a) The bylaws shall state the time and manner of the levy and payment of all premiums or assessments for all insurance written by the company.

(b) The bylaws shall also fix the liability of the policyholders for all losses accrued while the policies are in force, in addition to the regular premium or assessment of the policyholders, and the time and manner of payment of such liability.

(c) The bylaws may be amended and any such amendment shall be filed with the Commissioner ~~within~~ at least 30 days ~~after~~ prior to its adoption.

(d) The bylaws may contain provisions for the exclusion of any member of the company who refuses or neglects to pay his or her assessment or for any other reasons satisfactory to the directors to be excluded from the insurer.

33-16-9.

The portion of the bylaws which affects the insuring agreement shall be contained in the policy. Each policy issued by the insurer shall contain a statement of the contingent liability, if any, of its members.

33-16-10.
The companies may provide in the policy that officers and agents elected by them do not have the power to waive any provision of the bylaws.

33-16-11.
An annual meeting of such company shall be held at such a time as is fixed in the bylaws of the company. Special meetings may be held for such purposes and in such manner as may be specified in the insurer's bylaws, consistent with this chapter. All such meetings shall be held in the insurer's county of domicile or other location in this state that is convenient for its membership and specified in the insurer's bylaws. Notice of such meeting shall be mailed or otherwise given to each member not less than 20 days in advance of the meeting, and notice of any special meeting called by the board of directors shall be given in writing not less than ten days in advance stating the purpose of the meeting so called.

33-16-12.
Each policyholder in a farmers' mutual fire insurance company shall be entitled to only one vote in all policyholders' meetings. No voting by proxy shall be permitted unless it is specially authorized in the bylaws and approved by the Commissioner.

33-16-13.
~~A farmers' mutual fire insurance company shall not issue policies of insurance or otherwise insure property located in any county in this state other than the county in which it has its home office as specified in its original charter and in any other contiguous county~~ (a) The amount of minimum surplus required for each farmers' mutual fire insurance company shall be determined on an individual basis; however, no farmers' mutual fire insurance company shall be issued a certificate of authority unless it shall possess and thereafter maintain a minimum of $150,000.00 in surplus.
(b) Minimum surplus of up to $150,000.00 shall be maintained in any of the following:
(1) Cash;
(2) Certificates of deposit or similar certificates or evidence of deposits in banks or trust companies but only to the extent that the certificates or deposits are insured by the Federal Deposit Insurance Corporation; or
(3) Savings accounts, certificates of deposit, or similar certificates or evidence of deposit in savings and loan associations and building and loan associations but only to the extent that the same are insured by the Federal Savings and Loan Insurance Corporation.
(c) A portion of the minimum surplus, in an amount determined by the Commissioner, must be deposited with this state prior to the issuance of the certificate of authority. Chapter 12 of this title shall apply to the deposit required by this subsection.
(d) Any additional surplus in excess of $150,000.00 required by the Commissioner pursuant to subsection (a) of this Code section may be provided and maintained in any of the following:

(1) Any eligible investments of minimum capital or surplus authorized by Code Section 33-11-5; or

(2) Any other investments approved by the Commissioner that do not impair the financial solvency of the farmers' mutual fire insurance company.

33-16-14.

(a) The maximum amount of insurance that a farmers' mutual fire insurance company may retain on any subject or subjects of insurance reasonably exposed to loss from the same fire shall not exceed ~~the amount prescribed in the following schedule:~~ 10 percent of its surplus.

~~Amount of Insurance in Force~~	~~Maximum Risk~~
~~$ 100,000 but less than $ 250,000~~	~~$ 5,000~~
~~250,000 but less than 400,000~~	~~5,000~~
~~400,000 but less than 600,000~~	~~5,000~~
~~600,000 but less than 900,000~~	~~5,000~~
~~900,000 but less than 1,200,000~~	~~6,000~~
~~1,200,000 but less than 1,500,000~~	~~7,500~~
~~1,500,000 but less than 2,000,000~~	~~10,000~~
~~2,000,000 but less than 2,500,000~~	~~12,500~~
~~2,500,000 but less than 3,000,000~~	~~15,000~~
~~3,000,000 but less than 3,500,000~~	~~17,500~~
~~3,500,000 but less than 7,000,000~~	~~35,000~~
~~7,000,000 and over~~	~~50,000~~

(b) ~~The classification of all risks in the above schedule and the percentage given in each shall be uniformly fixed and governed by the bylaws of the insurer.~~

~~(c)~~ In determining the amount at risk and retained by the insurer, any valid and applicable reinsurance authorized shall be deducted from the gross amount of risk directly assumed by the insurer.

33-16-15.

A farmers' mutual fire insurance company shall not accept reinsurance of the risk of any other insurer.

33-16-16.
No member of such insurer shall be liable to assessment to pay losses and expenses accruing prior to the time his policy became effective nor for losses and expenses accruing after termination or expiration of the policy.

33-16-17.
Companies organized under this chapter may bring and defend actions in the name under which they are doing business.

33-16-18.
Every farmers' mutual fire insurance company shall, on or before March 1 of each year, make and file with the Commissioner an annual statement of its business as of December 31 of the preceding year, on the form prescribed by the Commissioner.

33-16-19.
The Commissioner shall at least once in five years, or as often as he or she deems necessary, examine farmers' mutual fire insurance companies. The costs of the examination shall be paid by the company.

33-16-20.
Any company organized under this chapter shall be exempt from all taxes, costs, and fees, including those listed in Chapter 8 of this title, except as expressly provided in this chapter and except taxes payable upon real and personal property owned by the company.

33-16-21.
In addition to this chapter, farmers' mutual fire insurance companies shall be subject to the following chapters of this title to the extent so applicable: Chapters 1, 2, 5, 6, 12, and 37, and Article 1 of Chapter 11 ~~of this title~~.

33-16-22.
Any company organized under this chapter may be converted into a mutual insurance company by complying with the applicable provisions of Chapter 14 of this title."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 33-23-12, relating to limited licenses for insurance agents, agencies, subagents, counselors, and adjustors, as follows:

"(a) Except as provided in subsection (b) of this Code section for credit insurance licenses, subsection (c) of this Code section for rental companies, and subsection (d) of this Code section for ~~communications equipment~~ portable electronics, the Commissioner may provide by rule or regulation for licenses which are limited in scope to specific lines or sublines of insurance."

SECTION 3.

Said title is further amended by revising subsection (d) of said Code Section 33-23-12, relating to limited licenses for insurance agents, agencies, subagents, counselors, and adjuster, as follows:

"(d)(1) As used in this subsection, the term:

(A) 'Customer' means a person who purchases portable electronics or services.

(B) 'Enrolled customer' means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.

(C) 'Location' means any physical location in the State of Georgia or any website, call center site, or similar location directed to residents of the State of Georgia.

(D) 'Portable electronics' ~~'communications equipment'~~ means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, cellular telephones, batteries, and other similar devices ~~or~~ and their accessories ~~used to originate or receive communications signals or service for individual customer use only~~ and includes services related to the use of such devices, including, but not limited to, individual customer access to a wireless network.

(E) 'Portable electronics insurance' means insurance providing coverage for the repair or replacement of portable electronics which may provide coverage for portable electronics against any one or more of the following causes of loss: loss, theft, inoperability due to mechanical failure, malfunction, damage, or other similar causes of loss. Such term shall not include a service contract or extended warranty providing coverage limited to the repair, replacement, or maintenance of property in cases of operational or structural failure due to a defect in materials, workmanship, accidental damage from handling power surges, or normal wear and tear.

(F) 'Portable electronics transaction' means the sale or lease of portable electronics by a vendor to a customer or the sale of a service related to the use of portable electronics by a vendor to a customer.

(G) 'Supervising entity' means a business entity that is a licensed insurer, or insurance producer that is authorized by licensed insurer, to supervise the administration of a portable electronics insurance program.

(H) 'Vendor' means a person in the business of engaging in portable electronics transactions directly or indirectly.

(2) The ~~Commissioner~~ commissioner may issue to a retail vendor of ~~communications equipment~~ portable electronics that has complied with the requirements of this subsection a limited license authorizing the limited licensee to offer or sell ~~insurance policies covering only the loss, theft, mechanical failure, or malfunction of or damage to communications equipment~~ portable electronics insurance policies.

(3) A limited license issued under this subsection shall authorize any employee or authorized representative of the vendor to sell or offer coverage under a policy of portable electronics insurance to customers at each location where the vendor engages in portable electronics transactions.

(4) The supervising entity shall maintain a registry of vendor locations that are authorized to sell or solicit portable electronics insurance coverage in this state. Upon

request by the commissioner and with ten days notice to the supervising entity, the registry shall be open to inspection and examination by the commissioner during regular business hours of the supervising entity.

~~(3)~~(5) The sale of such insurance policies shall be limited to sales in connection with the sale of or provision of service for ~~communications equipment~~ portable electronics by the retail vendor.

(6) At every location where portable electronics insurance is offered to customers, brochures or other written materials shall be made available to a prospective customer which:

(A) State that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services;

(B) Summarize the material terms of the insurance coverage, including:

(i) The identity of the insurer;

(ii) The identity of the supervising entity;

(iii) The amount of any applicable deductible and how it is to be paid;

(iv) Benefits of the coverage; and

(v) Key terms and conditions of coverage such as whether portable electronics may be repaired or replaced with a similar make and model or with reconditioned or nonoriginal manufacturer parts or equipment;

(C) Summarize the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements; and

(D) State that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person paying the premium shall receive a refund of any applicable unearned premium.

(7) Portable electronics insurance may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a vendor of portable electronics for its enrolled customers. Coverage under portable electronics insurance shall be primary to any other insurance.

(8) Eligibility and underwriting standards for customers electing to enroll in coverage shall be established for each portable electronics insurance program.

(9) Notwithstanding any other provision of law, employees or authorized representatives of a vendor of portable electronics shall not be compensated based primarily on the number of customers enrolled for portable electronics insurance coverage but may receive compensation for activities under the limited license which are incidental to their overall compensation.

(10) The charges for portable electronics insurance coverage may be billed and collected by the vendor of portable electronics. Any charge to the enrolled customer for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services, shall be separately itemized on the enrolled customer's bill. If the portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor shall clearly

and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the portable electronics or related services. Vendors billing and collecting such charges shall not be required to maintain such funds in a segregated account, provided that the vendor is authorized by the insurer to hold such funds in an alternative manner and remits such amounts to the supervising entity within 60 days of receipt. All funds received by a vendor from an enrolled customer for the sale of portable electronics insurance shall be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. Vendors may receive compensation for billing and collection services.

~~(4)~~(11) As a prerequisite for issuance of a limited license under this subsection, there shall be filed with the Commissioner an application for such limited license or licenses in a form and manner prescribed by the Commissioner. The application shall provide:

(A) The name, residence address, and other information required by the Commissioner of an employee or officer of the vendor that is designated by the applicant as the person responsible for the vendor's compliance with the requirements of this subsection;

(B) If the vendor derives more than 50 percent of its revenue from the sale of portable electronics insurance, the information required by subparagraph (A) of this paragraph for all officers, directors, and shareholders of record having beneficial ownership of 10 percent or more of any class of securities registered under the federal securities law; and

(C) The location of the applicant's home office.

(12) The employees and authorized representatives of vendors may sell or offer portable electronics insurance to customers and shall not be subject to licensure as an insurance producer under this Code section, provided that the supervising entity supervises the administration of ~~(5) Each retail vendor licensed pursuant to this subsection shall provide~~ a training program in which employees and authorized representatives of ~~such retail~~ a vendor shall be trained ~~by a licensed instructor~~ and receive basic insurance instruction about the kind of coverage authorized in this subsection and offered for purchase by prospective purchasers~~ of communications equipment or service~~. The training required by this subsection may be provided in electronic form. However, if provided in electronic form, the supervising entity shall implement a supplemental education program regarding the portable electronics insurance that is conducted and overseen by a licensed instructor.

~~(6)~~(13) No prelicensing examination shall be required for issuance of such license.

(14) If a vendor or its employee or authorized representative violates any provision of this subsection, the commissioner may impose any of the following penalties:

(A) After notice and hearing, fines not to exceed $500.00 per violation or $5,000.00 in the aggregate for such conduct;

(B) After notice and hearing, other penalties that the commissioner deems necessary and reasonable to carry out the purpose of this article, including:

(i) Suspending the privilege of transacting portable electronics insurance pursuant to this subsection at specific business locations where violations have occurred; and

(ii) Suspending or revoking the ability of individual employees or authorized representatives to act under the license;

(15) Notwithstanding any other provision of law:

(A) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least 60 days notice;

(B) If the insurer changes the terms and conditions, then the insurer shall provide the vendor with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes;

(C) Notwithstanding paragraph (15) of subsection (a) of this Code section, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon 15 days notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim;

(D) Notwithstanding paragraph (15) of subsection (a) of this Code section, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(i) For nonpayment of premium;

(ii) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(iii) If the enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within 30 calendar days after exhaustion of the limit. However, if notice is not timely sent, enrollment shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer; and

(E) Where a portable electronics insurance policy is terminated by a policyholder, the vendor shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the enrolled customer at least 30 days prior to the termination.

(16) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this subsection or is otherwise required by law, it shall be in writing and sent within the notice period, if any, specified within the statute or regulation requiring the notice or correspondence. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this subparagraph. If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics at the vendor's mailing address specified for such purpose and to its affected enrolled customers' last known

mailing addresses on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics at the vendor's electronic mail address specified for such purpose and to its affected enrolled customers' last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics, as the case may be. For purposes of this paragraph, an enrolled customer's provision of an electronic mail address to the insurer or vendor of portable electronics, as the case may be, shall be deemed as consent to receive notices and correspondence by electronic means. The insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice or correspondence was sent.

(17) Notice or correspondence required by this subsection or otherwise required by law may be sent on behalf of an insurer or vendor, as the case may be, by the supervising entity appointed by the insurer."

SECTION 4.

Said title is further amended by adding a new paragraph to subsection (a) of Code Section 33-23-1, relating to definitions, as follows:

"(3.1) 'Automated claims adjudication system' means a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of property insurance claims used only for portable electronics as defined in paragraph (1) of subsection (d) of Code Section 33-23-12 which:

(A) May only be utilized by a licensed independent adjuster, licensed agent, or supervised individuals operating pursuant to this paragraph;

(B) Shall comply with all claims payment requirements of the Georgia Insurance Code; and

(C) Shall be certified as compliant with this Code section by a licensed independent adjuster that is an officer of a business entity licensed under this chapter."

SECTION 5.

Said title is further amended by revising paragraph (7) of subsection (a) of Code Section 33-23-1, relating to definitions, as follows:

"(7) 'Home state' means Canada, the District of Columbia, and any state or territory of the United States in which an insurance producer or adjuster maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer or adjuster."

SECTION 6.

Said title is further amended by deleting "or" at the end of paragraph (6) of subsection (b) of Code Section 33-23-1, relating to definitions; by deleting the period at the end of paragraph (7) of such subsection and inserting "; or"; and by adding a new paragraph at the end of such subsection to read as follows:

"(8) An individual who collects claim information from, or furnishes claim information to, insureds or claimants, who conducts data entry, and who enters data into an automated claims adjudication system, provided that the individual is an employee of a licensed independent adjuster or its affiliate where no more than 25 such persons are under the supervision of one licensed independent adjustor or licensed agent."

SECTION 7.

Said title is further amended by adding a new subsection to Code Section 33-23-5, relating to the qualifications and requirements for a license, to read as follows:

"(d) Notwithstanding paragraph (1) of subsection (a) of this Code section, no resident of Canada may be licensed as an independent adjuster pursuant to this Code section or designate Georgia as his or her home state unless such person has successfully passed the adjuster examination and has complied with other applicable portions of this Code section."

SECTION 8.

Said title is further amended by revising subsection (h) of Code Section 33-23-16, relating to licensing of nonresidents, as follows:

"(h) Applicants whose home state does not require a license to transact business may be licensed in this state, provided that the applicant takes the examination issued by the Commissioner where required pursuant to this chapter and the applicant submits written documentation from his or her resident state demonstrating the lack of licensing requirement and the state's reciprocity with residents from this state. If the resident state does not license independent adjusters, the independent adjuster shall designate as his or her home state any state in which the independent adjuster is licensed and in good standing."

SECTION 9.

Said title is further amended by adding a new subsection to Code Section 33-23-29, relating to nonresident adjusters, to read as follows:

"(f) No resident of Canada may be licensed as a nonresident independent adjuster unless such person has obtained a resident or home state independent adjuster license."

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.

Representative Shaw of the 176th moved that the House adopt the report of the Committee of Conference on SB 203.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam
Y Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Y Baker
Y Battles
Y Beasley-Teague
N Bell
Y Benfield
Y Benton
Y Beverly
Y Black
Y Braddock
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Collins
Y Cooke
Y Coomer
Cooper
Y Crawford
Y Davis
Y Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
N Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Y Floyd
N Fludd
Y Frazier
Y Fullerton
Y Gardner
Y Geisinger
Y Golick
Y Gordon
Y Greene
Y Hamilton
Y Hanner
Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
Y Hatfield
Y Heard
Y Heckstall
Y Hembree
N Henson
Y Hightower
Y Hill
Y Holcomb
Y Holmes
N Holt
Y Horne
Y Houston
Y Howard
Hudson
Y Hugley
Y Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Jordan
Y Kaiser
Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
Y Mitchell
Morgan
Morris
N Mosby
Y Murphy
Y Neal, J
Y Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
Y Rice
Y Riley
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
Y Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
Y Smith, E
Smith, K
Y Smith, L
Y Smith, R
Y Smith, T
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
Y Taylor, R
Y Taylor, T
Y Teasley
Y Thomas
Y Waites
Y Watson
Y Welch
Weldon
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 152, nays 9.

The motion prevailed.

The following Bill of the Senate was taken up for the purpose of considering the Senate action thereon:

SB 366. By Senators Grant of the 25th, Hamrick of the 30th, Crosby of the 13th, Carter of the 1st and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to revise restrictions regarding possession of contraband at juvenile detention centers; to amend Code Section 16-15-3 of the Official Code of

Georgia Annotated, relating to definitions in the 'Georgia Street Gang Terrorism and Prevention Act,' so as to provide for a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate offers the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to SB 366 (LC 29 5263S) by revising lines 1 and 2 as follows:
To amend Code Section 15-11-66 and Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the disposition of delinquent children and the Department of Juvenile Justice, respectively, so as to change provisions relating to detention of juveniles; to revise restrictions regarding possession of

By inserting between lines 6 and 7 the following:
Code Section 15-11-66 of the Official Code of Georgia Annotated, relating to the disposition of delinquent children, is amended by revising subparagraph (b)(2)(B) as follows:

"(B) A child ordered to a youth development center under this paragraph and detained in a secured facility pending placement in the youth development center shall be given credit for time served in the secured facility awaiting placement. ~~On and after July 1, 2013, the maximum number of days that the court may order a child to serve in a youth development center under this paragraph shall be increased to 60 days.~~"

SECTION 1A.

Representative Purcell of the 159th moved that the House agree to the Senate amendment to the House substitute to SB 366.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
E Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	N Drenner	Y Horne	N Mosby	Y Smith, R
Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Y Benfield	Y Dunahoo	Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Stephens, M

Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 155, nays 4.

The motion prevailed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the following bill of the Senate:

SB 293. By Senators Heath of the 31st, Rogers of the 21st, Tippins of the 37th, Hill of the 4th and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, so as to require the nation's motto, "In God We Trust," to be printed on license plates; to provide that purchasers of license plates may cover the motto with a county name decal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 743. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the motor fuel tax, so as to extend the expiration date for the exemption from the motor fuel tax for certain public transit and public campus transportation systems; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the motor fuel tax, so as to extend the expiration date for the exemption from the motor fuel tax for certain public transit and public campus transportation systems; to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, so as to change certain provisions regarding certain exemptions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the motor fuel tax, is amended by revising subparagraphs (b)(10)(A) and (b)(10)(B) as follows:

"(10)(A) During the period of July 1, ~~2010~~ 2012, through June 30, ~~2012~~ 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit vehicles which are owned by public transportation systems which receive or are eligible to receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger fares are routinely charged and which vehicles are used exclusively for revenue generating purposes which motor fuel sales occur at bulk purchase facilities approved by the department.

(B) During the period of July 1, ~~2010~~ 2012, through June 30, ~~2012~~ 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public campus transportation system, provided that such system has a policy which provides for free transfer of passengers from the public transportation system operated by the jurisdiction in which the campus is located; makes the general public aware of such free transfer policy; and receives no state or federal funding to assist in the operation of such public campus transportation system and which motor fuel sales occur at bulk purchase facilities approved by the department."

SECTION 2.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, is amended by revising subparagraph (C) of paragraph (33.1), by deleting "or" at the end of paragraph (90), by deleting the period and adding "; or" at the end of paragraph (91), and by adding a new paragraph to read as follows:

"(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have the same meaning as set forth in subparagraph (E) of this paragraph."

"(92) The sale, use, consumption, or storage of materials, containers, labels, sacks, or bags used for packaging tangible personal property for shipment or sale. To qualify for the packaging exemption, the items shall be used solely for packaging and shall not be purchased for reuse. The packaging exemption shall not include materials purchased at a retail establishment for consumer use."

SECTION 3.

This Act shall become effective on July 1, 2012. The definitions of qualifying airport and qualifying airlines in subparagraph (C) of paragraph (33.1) of Code Section 48-8-3 in Section 2 of this Act shall only be applicable to local sales and uses taxes approved after July 1, 2012.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Rice of the 51st offers the following amendment:

Amend the Senate substitute to HB 743 by deleting line 5 and substituting in lieu thereof the following:

and use taxes, so as to change certain provisions regarding the exemption for jet fuel; to provide for an exemption for packaging materials; to provide for

*By deleting "*and applicability*" on line 6.*

By deleting lines 44 through 47 and substituting in lieu thereof the following:

This Act shall become effective on July 1, 2012.

Pursuant to Rule 133, Representative Dickerson of the 95th was excused from voting on HB 743.

Representative Rice of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 743.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
N Allison
E Amerson
E Anderson
N Ashe
Y Atwood
N Baker
Battles
N Beasley-Teague
N Bell
N Benfield
N Benton
N Beverly
Y Black
N Braddock
Y Brockway
N Brooks
N Bruce
Bryant
N Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
N Clark, J
Y Clark, V
Y Coleman
Collins
Y Cooke
Y Coomer
Y Cooper
N Crawford
Y Davis
N Dawkins-Haigler
Y Dempsey
Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
N Drenner
N Dudgeon
N Dukes
N Dunahoo
N Dutton
Y Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
N Floyd
N Fludd
N Frazier
N Fullerton
N Gardner
Y Geisinger
Y Golick
N Gordon
Y Greene
N Hamilton
Y Hanner
Y Harbin
Y Harden, B
N Harden, M
Harrell
Y Hatchett
N Hatfield
N Heard
N Heckstall
Y Hembree
N Henson
Y Hightower
Y Hill
N Holcomb
Y Holmes
N Holt
N Horne
Y Houston
N Howard
Hudson
N Hugley
Jackson
Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Y Jones, J
N Jones, S
Jordan
N Kaiser
N Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Y Maxwell
N Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
N Mitchell
N Morgan
Y Morris
N Mosby
N Murphy
Y Neal, J
N Neal, Y
Y Nimmer
Y Nix
N Oliver
Y O'Neal
N Pak
N Parent
Y Parrish
Y Parsons
Y Peake
Y Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
N Reece
Y Rice
Y Riley
Y Roberts
Rogers, C
Y Rogers, T
Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
N Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Smith, R
N Smith, T
Y Smyre
N Spencer
N Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
Y Teasley
N Thomas
N Waites
Y Watson
Y Welch
Weldon
N Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
N Williams, E
E Williams, R
N Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 89, nays 72.

The motion was lost.

The House has disagreed.

Representative Williams of the 165th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Rice of the 51st moved that the House reconsider its action in failing to agree to the Senate substitute, as amended by the House, to HB 743.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
E Amerson
E Anderson
N Ashe
Y Atwood
N Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
N Benton
N Beverly
Y Black
N Braddock
Y Brockway
N Brooks
N Bruce
N Bryant
N Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
N Crawford
Y Davis
N Dawkins-Haigler
Y Dempsey
Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
N Drenner
Y Dudgeon
N Dukes
Dunahoo
Y Dutton
Y Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
N Floyd
N Fludd
N Frazier
N Fullerton
N Gardner
Y Geisinger
Y Golick
N Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
N Hatfield
N Heard
N Heckstall
Y Hembree
N Henson
Y Hightower
Y Hill
N Holcomb
Y Holmes
N Holt
Y Horne
Y Houston
N Howard
Hudson
N Hugley
N Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Y Jones, J
N Jones, S
Jordan
N Kaiser
N Kendrick
E Kidd
Y Kirby
Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Maxwell
N Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
N Mitchell
N Morgan
Y Morris
N Mosby
N Murphy
Y Neal, J
N Neal, Y
Y Nimmer
Y Nix
N Oliver
Y O'Neal
Y Pak
N Parent
Y Parrish
Y Parsons
Y Peake
Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Randall
N Reece
Y Rice
Y Riley
Y Roberts
N Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Setzler
Y Shaw
Y Sheldon
Y Sims, B
N Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
N Smith, T
N Smyre
Y Spencer
N Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Taylor, D
N Taylor, R
Y Taylor, T
Y Teasley
N Thomas
N Waites
Y Watson
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 97, nays 66.

The motion prevailed.

Representative Rice of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 743.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
E Amerson
E Anderson
N Ashe
Y Atwood
N Baker
Y Battles
N Beasley-Teague
N Bell
N Benfield
N Benton
N Beverly
Y Black
N Braddock
Y Brockway
N Brooks
N Bruce
N Bryant
N Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Y Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Cooper
N Crawford
Y Davis
N Dawkins-Haigler
Y Dempsey
Dickerson
Y Dickey
Y Dickson
N Dobbs
Y Dollar
N Drenner
N Dudgeon
N Dukes
N Dunahoo
N Dutton
Y Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
N Floyd
N Fludd
N Frazier
N Fullerton
N Gardner
Y Geisinger
Y Golick
N Gordon
Y Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
N Hatfield
N Heard
N Heckstall
Y Hembree
N Henson
Y Hightower
Y Hill
N Holcomb
Y Holmes
N Holt
N Horne
Houston
N Howard
Hudson
N Hugley
Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Y Jones, J
N Jones, S
Jordan
N Kaiser
N Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Y Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Y Maxwell
N Mayo
Y McBrayer
Y McCall
Y McKillip
Y Meadows
N Mitchell
N Morgan
Y Morris
N Mosby
N Murphy
Y Neal, J
N Neal, Y
Y Nimmer
Y Nix
N Oliver
Y O'Neal
N Pak
N Parent
Y Parrish
Y Parsons
Y Peake
Powell, A
Y Powell, J
Y Pruett
Y Purcell
Y Ramsey
Y Randall
N Reece
Y Rice
Y Riley
Y Roberts
N Rogers, C
Y Rogers, T
Y Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
N Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Y Smith, R
N Smith, T
Smyre
N Spencer
N Stephens, M
Y Stephens, R
N Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
Teasley
N Thomas
N Waites
Y Watson
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Y Yates
Ralston, Speaker

On the motion, the ayes were 95, nays 70.

The motion prevailed.

Representative Cooper of the 41st stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 1114. By Representatives Setzler of the 35th, Golick of the 34th, Ramsey of the 72nd, Pak of the 102nd, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 16 of the O.C.G.A., relating to homicide, so as to repeal certain provisions regarding offering to assist in the commission of a suicide; to prohibit assisted suicide; to provide for definitions; to provide for criminal penalties; to provide for certain exceptions; to provide for certain reporting requirements with respect to being convicted of assisting in a suicide; to amend Title 51 of the O.C.G.A., relating to torts, so as to provide for civil liability for wrongful death caused by assisted suicide; to provide for definitions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 416. By Senators Carter of the 1st, Bethel of the 54th and Golden of the 8th:

A BILL to be entitled an Act to amend Chapter 64 of Title 33 of the Official Code of Georgia Annotated, relating to regulation and licensure of pharmacy benefits managers, so as to authorize the Department of Insurance to develop exchange standards regarding electronic prior authorization drug requests with health care providers; to provide a definition; to provide that facsimiles are not electronic submissions; to provide for standards consistent with the National Council of Prescription Drug Programs; to provide clinical workflow decision support of physician providers; to provide transmission security; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Bills and Resolution of the House were taken up for the purpose of considering the Senate action thereon:

HB 1051. By Representatives Jacobs of the 80th, Riley of the 50th, Lindsey of the 54th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to repeal provisions relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities; to repeal provisions relating to the board of directors of the Metropolitan Atlanta Rapid Transit Authority; to provide for related matters; to provide for an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, is amended by repealing in their entirety Code Sections 32-9-13 and 32-9-14, relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities and the board of directors of the Metropolitan Atlanta Rapid Transit Authority, respectively.

SECTION 2.

This Act shall become effective on January 1, 2013, only if an Act providing for the suspension of restrictions on the use of annual proceeds from sales and use taxes by the Metropolitan Atlanta Rapid Transit Authority and reconstituting the board of directors of the Metropolitan Atlanta Rapid Transit Authority is enacted at the 2012 regular session of the General Assembly. Otherwise, this Act shall not become effective and shall stand repealed on January 1, 2013.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Jacobs of the 80th moved that the House agree to the Senate substitute to HB 1051.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	N McCall	Y Sheldon
E Amerson	N Dickerson	Hightower	Y McKillip	Y Sims, B
E Anderson	Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E
Y Atwood	N Dobbs	Y Holmes	Y Morgan	Y Smith, K
Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Battles	Drenner	Y Horne	N Mosby	Y Smith, R
N Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	N Smith, T

N Bell	N Dukes	N Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Hudson	N Neal, Y	Y Spencer
Y Benton	Y Dutton	N Hugley	Y Nimmer	N Stephens, M
N Beverly	N Ehrhart	Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	N Stephenson
Y Braddock	N Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	Y Floyd	N Johnson	Y Parrish	N Taylor, R
Y Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
N Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
N Burns	Fullerton	Jordan	N Powell, A	N Thomas
N Byrd	Y Gardner	Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	E Kidd	Y Purcell	N Welch
Y Casas	N Gordon	Y Kirby	Y Ramsey	Y Weldon
Channell	Y Greene	Y Knight	Randall	N Wilkerson
Y Cheokas	Y Hamilton	Y Lane	N Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	N Harbin	N Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	N Maddox, B	N Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y Rogers, C	N Williams, E
N Cooke	Y Harrell	Y Manning	Y Rogers, T	E Williams, R
Coomer	Y Hatchett	N Marin	Rynders	Y Williamson
Y Cooper	N Hatfield	N Martin	Y Scott, M	Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 98, nays 59.

The motion prevailed.

HB 1052. By Representatives Jacobs of the 80th, Riley of the 50th, Lindsey of the 54th, Geisinger of the 48th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to reconstitute the board of directors; to provide for staggered terms for board members; provide for a limit on re-appointment of board members; to provide for a method for nonparticipating counties to join the Authority; to prohibit the Authority from entering into certain transactions; to provide for a suspension of restrictions on the use of sales and use tax proceeds; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to reconstitute the board of directors; to provide for staggered terms for board members; provide for a limit on re-appointment of board members; to provide for a method for nonparticipating counties to join the Authority; to provide for per diem payments; to provide for restriction on contracts for professional services; to provide for a suspension of restrictions on the use of sales and use tax proceeds; to provide for related matters; to repeal conflicting laws; to provide for effective dates; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising subsections (a) through (h) of Section 6 as follows:

"(a) ~~The~~ On and after January 1, 2013, the Board of Directors of the Authority shall be reconstituted and composed of ~~18~~ 11 voting members and one nonvoting member. ~~Four~~ Three members shall be residents of the City of Atlanta to be nominated by the Mayor and elected by the City Council; ~~five~~ four members shall be residents of DeKalb County with three of the four appointees to be appointed by the ~~local governing body thereof~~ Board of Commissioners of DeKalb County and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur and the fourth appointee to be appointed by a majority vote of a caucus of mayors of the municipalities located wholly in DeKalb County; three members shall be residents of Fulton County ~~to be appointed by the local governing body thereof, and at least~~ and one of such ~~appointees~~ members shall be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta to be appointed by the local governing body of Fulton County and two of such members shall be residents of that portion of Fulton County lying north of the corporate limits of the City of Atlanta to be appointed by a majority vote of a caucus of mayors of the municipalities of Fulton County lying north of the City of Atlanta; one member shall be the executive director of the Georgia Regional Transportation Authority; and one nonvoting member shall be the planning director of the Department of Transportation. Those board members appointed by a local governing authority as described in this section in office as of January 1, 2013, shall serve initial terms of office as follows: two of the three appointees of the DeKalb County Board of Commissioners, two of the three appointees of the mayor and city council of Atlanta, and one of the two appointees of the caucus of mayors from municipalities lying north of the City of Atlanta shall serve a term of two years, and the remaining appointees shall serve for terms of four years. Each local governing authority or caucus shall designate which board members shall

serve an initial term of two years no later than November 1, 2012. ~~and that membership position held by a Fulton County resident, appointed by the local governing body of that county, the term of which position expires December 31, 1988, shall, beginning on and after January 1, 1989, be filled by the local governing body of Fulton County appointing a person who is a resident of that portion of Fulton County lying north of the corporate limits of the City of Atlanta; one member shall be a resident of Clayton County to be appointed by the local governing body thereof; and one member shall be a resident of Gwinnett County to be appointed by the local governing body thereof. Four members, representing the State, shall be as follows: the Commissioner of the Department of Transportation who shall be an ex officio member; the State Revenue Commissioner who shall be an ex officio member; the Executive Director of the State Properties Commission who shall be an ex officio member; and the Executive Director of the Georgia Regional Transportation Authority who shall be an ex officio member. The first member who must be a resident of that portion of Fulton County lying south of the corporate limits of the City of Atlanta shall be appointed by the governing body of Fulton County to take office on July 1, 1985, for an initial term ending December 31, 1986. The two members who are DeKalb County residents and appointed by the governing authority thereof and who are added by this paragraph shall each be appointed by the governing body of DeKalb County to take office on July 1, 1985, for an initial term ending December 31, 1986. After the initial terms of those three members added to the Board in 1985,~~ After the initial two-year terms of those five board members described in this subsection, that governing body which appointed the member for that initial term to that office shall appoint successors thereto for terms of office of four years in the same manner that such governing body makes its other appointments to the Board.

~~The initial terms of the four members added in 1976 by the above paragraph shall be as follows: the member from DeKalb County to be appointed by the local governing body of DeKalb County shall be appointed no later than sixty days after the effective date of this subsection for a term ending December 31, 1978, and shall take office immediately upon appointment; the Commissioner of the Department of Transportation, the State Revenue Commissioner and the Executive Director of the State Properties Commission shall become members of the Board on the effective date of this subsection and shall serve while holding their State offices.~~

The Executive Director of the Georgia Regional Transportation Authority shall become a voting member of the Board on the effective date of this sentence and shall serve while holding his or her State office. The planning director of the Department of Transportation shall become a nonvoting member of the Board on the effective date of this sentence and shall serve while holding his or her State office.

Except as provided above, all appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration shall be filled for the unexpired portion thereof by the local governing body which made the original appointment to the vacant position, or its successor in office. A member of the Board may be appointed to succeed himself or herself for one four-year term; provided, however, that board

membership prior to January 1, 2013, shall not be considered in calculating limits on length of service. Appointments to fill expiring terms shall be made by the local governing body prior to the expiration of the term, but such appointments shall not be made more than thirty days prior to the expiration of the term. Members appointed to the Board shall serve for the terms of office specified in this section and until their respective successors are appointed and qualified.

(b) ~~Having initially declined membership on the Board and further participation in the Authority, Cobb County may at any time reclaim its membership on the Board and participate further in the Authority as provided in this subsection (b).~~ The local governing ~~body~~ bodies of Clayton, Cobb, and Gwinnett ~~County~~ counties may, any other provision of this Act to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of their respective counties ~~Cobb County~~ the question of approval of a rapid transit contract between ~~Cobb County~~ the county submitting the question and the Authority, all in accordance with the provisions of Section 24 of this Act. The local governing ~~body~~ bodies of ~~Cobb County~~ these counties shall be authorized to execute such rapid transit contract prior to the holding of the referendum provided for in said Section 24; provided, however, that such rapid transit contract shall not become valid and binding unless the same is approved by a majority of those voting in said referendum, which approval shall also be deemed approval of further participation in the Authority. Upon approval of such rapid transit contract, ~~Cobb County~~ the county entering into such contract shall be a participant in the Authority, and its rights and responsibilities shall, insofar as possible, be the same as if it had participated in the Authority from its beginning, and the local governing body of ~~Cobb County~~ the county may then appoint two residents of ~~Cobb County~~ the county to the Board of Directors of the Authority, to serve a term ending on the 31st day of December in the fourth full year after the year in which the referendum approving said rapid transit contract was held, in which event the Board of Directors of the Authority shall, subsection (a) of this Section 6 to the contrary notwithstanding, be composed of ~~16~~ such additional members.

(c) Reserved.

(d) ~~Except for the ex officio members of the Board, no~~ Except for the Executive Director of the Georgia Regional Transportation Authority and the planning director of the Department of Transportation, no person shall be appointed as a member of the Board who holds any other public office or public employment except an office in the reserves of the armed forces of the United States or the National Guard; any member who accepts or enters upon any other public office or public employment shall be disqualified thereby to serve as a member.

(e) A local governing body may remove any member of the Board appointed by it for cause. No member shall be thus removed unless he or she has been given a copy of the charges against him or her and an opportunity to be publicly heard in his or her own defense in person or by counsel with at least ten days' written notice to the member. A member thus removed from office shall have the right to a judicial review of ~~his~~ the member's removal by an appeal to the superior court of the county of the local

governing body which appointed ~~him~~ the member, but only on the ground of error of law or abuse of discretion. In case of abandonment of ~~his~~ the member's office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (d) hereof, the office of a member shall be vacant upon the declaration of the Board. A member shall be deemed to have abandoned ~~his~~ the member's office upon failure to attend any regular or special meeting of the Board for a period of four months without excuse approved by a resolution of the Board, or upon removal of ~~his~~ the member's residence from the territory of the local governing body which appointed ~~him~~ the member.

(f) Each appointed member of the Board, except the ~~Chairman~~ Chairperson, shall be paid by the Authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it may hereafter be amended, for each day on which that member attends an official meeting of the Board, of any committee of the Board, or of the Authority's Pension Committee~~,~~ or Board of Ethics~~, or Arts Council~~; provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year for the Chairperson and 75 days in any one calendar year for other members of the Board. If the ~~Chairman~~ Chairperson of the Board is an appointed member of the Board, the ~~Chairman~~ Chairperson shall be paid by the Authority a per diem allowance in the same amount for each day in which the ~~Chairman~~ Chairperson engages in official business of the Authority, including but not limited to attendance of any of the aforesaid meetings. A member of the Board shall also be reimbursed for actual expenses incurred by that member in the performance of that ~~members~~ member's duties as authorized by the Board. A Board member shall not be allowed employee benefits authorized under Section 8(b).

(g) The Board shall elect one of its members as ~~chairman~~ chairperson and another as ~~vice-chairman~~ vice-chairperson for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the Board may prescribe. The presiding officer of the Board may continue to vote as any other member, notwithstanding ~~his~~ the member's duties as presiding officer, if he or she so desires. The Board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the Board may hold only one office on the Board at any one time.

(h) The Board shall hold at least one meeting each month. The Secretary of the Board shall give written notice to each member of the Board at least two days prior to any called meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for ~~his~~ giving notice as above. A majority of the total membership of the Board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present, the Board may exercise all the powers and perform all the duties of the Board, except as otherwise hereinafter provided or as limited by its bylaws, and no vacancy on the original membership of the Board, or thereafter, shall impair the power of the Board to act. All

meetings of the Board, its Executive Committee, or any committee appointed by the Board shall be subject to ~~all provisions, except for Section 2(a), of an Act providing that all meetings of certain public bodies shall be open to the public, approved March 28, 1972 (Ga. L. 1972, p. 575), as now or hereafter amended~~ Chapter 14 of Title 50 of the Official Code of Georgia Annotated."

SECTION 2.

Said Act is further amended by revising subsections (a) and (k) of Section 14 as follows:

"(a) Except in the acquisition of unique property which for any reason is unobtainable in the open market, and except as hereinafter otherwise provided, competitive bids shall be secured before any acquisition or disposition of properties by contract or otherwise is made by the Authority, or before any contract is awarded for construction, alterations, supplies, equipment, repairs or maintenance, or for rendering any services to the Authority, acquisitions shall be made from, and contracts awarded to, the lowest responsible bidder, and dispositions of property shall be made to the highest responsible bidder. No acquisition of any unique property unobtainable in the open market shall be made without the express approval of the Board where the amount involved is $25,000.00 or more. Nothing in this Section shall apply to contracts for professional services or to contracts for services of individuals or organizations not employed full time by the Authority but who are engaged primarily in the rendition of personal services and not the sale of goods and merchandise, such as but not limited to the services of attorneys, accountants, engineers, architects, consultants, and advisors; provided, however, that such contracts for professional services where the amount involved is $5,000.00 or more in any one-year period shall be solicited and awarded through a request for proposals following generally accepted government procurement standards or through procedures otherwise required by applicable federal law."

"(k) ~~If the Authority issues an invitation to bid pursuant to this Section, and if the Authority then fails to receive at least one bid that conforms to the terms of its invitation for bids and which is also reasonable in price, then the Authority may negotiate an acquisition, disposition or contract where the amount involved is $5,000 or more. No such negotiated acquisition, disposition or contract shall be made without the express approval of the Board and unless the negotiated price is reasonable.~~ Reserved."

SECTION 3.

Said Act is further amended by revising subsection (a) of Section 16 as follows:

"(a) The Board shall make provision for a system of financial accounting and controls, audits and reports. All accounting systems and records, auditing procedures and standards, and financial reporting shall conform to generally accepted principles of governmental accounting. Copies of each financial report required under this Section shall be ~~furnished~~ posted on the website of the Authority and notice of such publication shall be delivered by electronic format to each local governing body of each participating local government in the metropolitan area as described in Section 6. All

financial records, reports and documents of the Authority shall be public records and open to public inspection under reasonable regulations prescribed by the Board."

SECTION 4.

Said Act is further amended by revising subsection (c) of Section 17 as follows:

"(c) At the time and in the manner prescribed in subsection (b), insofar as applicable, the Board shall propose and adopt an annual capital improvements budget. The proposed capital improvements budget shall show all capital improvement projects in process of completion, those to be undertaken during the ensuing fiscal year and those anticipated to be undertaken during the ensuing ten years. The proposed capital improvements budget shall show all capital improvement projects completed during the preceding ten years as compared to those capital improvement projects that were planned and budgeted for in the capital improvement budgets from the preceding ten years. The proposed budget shall also show the proposed method of financing each proposed project and the effect thereof on the debt structure of the Authority. After a public hearing the Board shall review its proposed budget and on or before the last day of the fiscal year it shall adopt an annual capital improvements budget for the ensuing fiscal year. No contract for the purchase or construction of any capital improvement project shall be authorized, except to meet a public emergency certified as such by the Board, unless it is included in the annual capital improvements budget; however, the Board may propose and adopt an amendment to the annual capital improvements budget by following the procedure herein prescribed for adopting the original budget."

SECTION 5.

Said Act is further amended by revising subsection (i) of Section 25 as follows:

"(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended; provided, however, that no more than fifty percent (50%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection, until January 1, 2002. For the period beginning January 1, 2002, and ending June 30, 2002; and for each fiscal year commencing thereafter until December 31, 2008, no more than fifty-five percent (55%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and for the period beginning January 1, 2009, and ending June 30, 2009, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection~~;~~. Such restrictions on the use of annual proceeds from local sales and use taxes shall be suspended through June 30, 2016. Newly unrestricted funds shall be utilized, subject to total funding, to maintain the level

of service for the transit system as it existed on January 1, 2010. Furthermore, except as had been previously contracted to by the Authority prior to January 1, 2010, no funds newly unrestricted during this suspended period shall be used by the Authority to benefit any person or other entity for any of the following: annual cost-of-living or merit based salary raises or increases in hourly wages; increased overtime due to such wage increases; payment of bonuses; or to increase the level of benefits of any kind. ~~except that if~~ If the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Metropolitan Atlanta Rapid Transit Overview Committee annually~~,~~ the original and 14 copies of a report of the findings of a completed management performance audit of the Authority's current operations~~, which audit~~ that was performed under contract with and at the expense of the Authority, along with any auditor's recommendations based thereon and the auditor's signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and allowed access to all its books, records, and documents to the extent the auditor deemed necessary, then for the period beginning January 1, 2003, and ending June 30, 2003, and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. For each fiscal year commencing on or after July 1, 2032, no more than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and commencing with July 1, 2032, and for every year thereafter, the proceeds of the tax shall not be used to subsidize operations of the transportation system to an extent greater than fifty percent (50%) of the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. In adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority shall be authorized to rely upon estimates of all revenues, operating costs, patronage, and other factors which may affect the amount of the fare required to limit the operating subsidy herein provided for. If the results of any year's operations reflect that the proceeds of the tax were used to subsidize operations to an extent greater than herein provided, the Board shall adjust fares in order to make up the deficit in operations during a period of not to exceed three (3) succeeding years. If the results of operations in the Authority's fiscal year commencing July 1, 1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not used to subsidize operations to the maximum extent herein provided, the Board shall reserve any amounts that could have been used to subsidize operations in that fiscal year and later use said reserved amounts and any interest earned on said reserved amounts to provide an additional subsidy for operations in any future fiscal year or years. The words 'operating costs of the system' for purposes of this subsection 25(i) are defined to include all of the costs of that division of the Authority directly involved and that portion of the nonoperating administrative costs of those divisions of the Authority indirectly involved, through the provision of support services, in providing mass transportation services for the metropolitan area, but

exclusive of the costs of the division or divisions directly involved and that portion of the nonoperating administrative costs of those divisions indirectly involved, in the planning, design, acquisition, construction, and improvement of the rapid transit system, according to accepted principles of accounting, and also exclusive of the following costs:

(1) Nonrecurring costs and charges incurred in order to comply with any statute or regulation concerning either the protection or cleaning up of the environment, or accessibility by handicapped or disabled persons, or occupational health or safety, or compliance with any national or state emergencies, or with any judgment, decree, or order of any court or regulatory agency in implementation of any such statute or regulation; and

(2) In the case of leases of equipment or facilities that, according to generally accepted principles of accounting, would not be classified as capital leases, payments of rent, and other payments for the property subject to such leases or for the use thereof; provided that any costs for regular maintenance or repair of such equipment or facilities shall not be excluded.

If any proceeds of the tax levied pursuant to this Act are held for the purpose of planning, designing, acquiring, or constructing additional facilities or equipment for or improvements to the rapid transit system and are invested, then all interest earned from such investments shall be used only for such purposes or for paying the principal of or interest on bonds or certificates issued for such purposes. Commencing July 1, 1988, and until June 30, 2008, and only if expressly authorized by the board, interest earned on reserve funds set aside for rebuilding, repairing, or renovating facilities of the rapid transit system; for replacing, repairing, or renovating equipment or other capital assets thereof; or from the sale or other disposition of real property, may, without regard to the original source of the funds so reserved, be used to pay the operating costs of the system as such costs are defined in this subsection."

SECTION 6.

This Act shall become effective on January 1, 2013; provided, however, that for purposes of making appointments to the Board of Directors of the Authority, Section 1 shall become effective on July 1, 2012, and shall become effective for all other purposes on January 1, 2013.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Jacobs of the 80th moves to amend the Senate substitute to HB 1052 as follows:

On line 317 replace "on July 1, 2012" with "upon its approval by the Governor or upon its becoming law without such approval".

An amendment by Representative Taylor of the 55th was ruled out of order.

Representative Jacobs of the 80th moved that the House agree to the Senate substitute, as amended by the House, to HB 1052.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam
N Abrams
Y Allison
E Amerson
E Anderson
Y Ashe
Y Atwood
Baker
Battles
Beasley-Teague
Bell
N Benfield
Y Benton
N Beverly
Y Black
Y Braddock
Y Brockway
N Brooks
N Bruce
Y Bryant
N Buckner
N Burns
N Byrd
Y Carson
Y Carter
Y Casas
Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Collins
N Cooke
Y Coomer
Y Cooper
N Crawford
N Davis
N Dawkins-Haigler
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
N Dobbs
N Dollar
Drenner
Y Dudgeon
N Dukes
Dunahoo
N Dutton
N Ehrhart
Y England
N Epps, C
Y Epps, J
N Evans
Floyd
Fludd
N Frazier
Fullerton
Y Gardner
Y Geisinger
Y Golick
N Gordon
Y Greene
Y Hamilton
Y Hanner
N Harbin
Y Harden, B
Y Harden, M
Y Harrell
Y Hatchett
N Hatfield
N Heard
N Heckstall
Y Hembree
N Henson
N Hightower
Y Hill
N Holcomb
Y Holmes
Y Holt
Y Horne
N Houston
N Howard
Hudson
N Hugley
Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Y Jones, J
N Jones, S
Jordan
Kaiser
N Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
N Maddox, B
Y Maddox, G
N Manning
N Marin
N Martin
Y Maxwell
N Mayo
Y McBrayer
N McCall
Y McKillip
Y Meadows
N Mitchell
Y Morgan
Morris
N Mosby
N Murphy
Y Neal, J
N Neal, Y
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
N Parent
Y Parrish
Y Parsons
Y Peake
N Powell, A
Y Powell, J
N Pruett
Y Purcell
Ramsey
N Randall
N Reece
Y Rice
Y Riley
N Roberts
Y Rogers, C
Y Rogers, T
Rynders
Y Scott, M
N Scott, S
Y Setzler
Y Shaw
Y Sheldon
Y Sims, B
Y Sims, C
N Smith, E
Y Smith, K
Y Smith, L
Smith, R
N Smith, T
Smyre
N Spencer
N Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
N Teasley
N Thomas
N Waites
Y Watson
Y Welch
Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 87, nays 64.

The motion was lost.

The House has disagreed.

Representative Smyre of the 132nd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HR 1160. By Representatives Hugley of the 133rd, Smyre of the 132nd and Buckner of the 130th:

A RESOLUTION compensating Mr. Lathan Rydell Word; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate offers the following amendment:

Amend HR 1160 by inserting at the end of line 30 the following:
None of the funds provided by this resolution shall be used to pay attorney's fees if such fees are calculated on a contingency fee basis.

Senate Amendment #2

The Senate offers the following amendment:

Amend HR 1160 by deleting, on l. 17, the word “consortion” and replacing it with the word “consortium”

Representative Hugley of the 133rd moved that the House agree to the Senate amendments to HR 1160.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Davis	Y Heckstall	Y Mayo	N Setzler
Y Abrams	Y Dawkins-Haigler	N Hembree	McBrayer	N Shaw
N Allison	Y Dempsey	Y Henson	N McCall	N Sheldon
E Amerson	Y Dickerson	N Hightower	N McKillip	N Sims, B
E Anderson	Y Dickey	N Hill	N Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
N Atwood	Y Dobbs	Y Holmes	Y Morgan	N Smith, K
Y Baker	N Dollar	N Holt	N Morris	N Smith, L
Battles	Y Drenner	N Horne	Y Mosby	N Smith, R
Y Beasley-Teague	N Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	N Dunahoo	Hudson	Y Neal, Y	N Spencer
N Benton	N Dutton	Y Hugley	Nimmer	Y Stephens, M

Y Beverly
Black
N Braddock
N Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Burns
N Byrd
N Carson
Carter
N Casas
Channell
N Cheokas
N Clark, J
N Clark, V
Y Coleman
Collins
N Cooke
N Coomer
Y Cooper
Y Crawford
N Ehrhart
Y England
Y Epps, C
Y Epps, J
Y Evans
Floyd
Y Fludd
Y Frazier
Fullerton
Y Gardner
N Geisinger
N Golick
Y Gordon
Y Greene
N Hamilton
Hanner
Y Harbin
Y Harden, B
N Harden, M
N Harrell
N Hatchett
N Hatfield
Y Heard
Y Jackson
Jacobs
E James
N Jasperse
N Jerguson
Y Johnson
Y Jones, J
Y Jones, S
Jordan
Kaiser
Y Kendrick
E Kidd
N Kirby
N Knight
N Lane
Y Lindsey
N Long
N Maddox, B
Y Maddox, G
N Manning
Y Marin
N Martin
Y Maxwell
N Nix
Y Oliver
Y O'Neal
Y Pak
Y Parent
Y Parrish
Y Parsons
Y Peake
Powell, A
N Powell, J
N Pruett
Y Purcell
Y Ramsey
Y Randall
Y Reece
N Rice
N Riley
N Roberts
N Rogers, C
N Rogers, T
Rynders
N Scott, M
Y Scott, S
Y Stephens, R
Y Stephenson
Y Talton
Y Tankersley
N Taylor, D
Y Taylor, R
N Taylor, T
N Teasley
Y Thomas
Y Waites
N Watson
N Welch
N Weldon
Y Wilkerson
N Wilkinson
N Willard
Y Williams, A
N Williams, C
Y Williams, E
E Williams, R
N Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 85, nays 71.

The motion was lost.

The House has disagreed.

HB 971. By Representative Hembree of the 67th:

A BILL to be entitled an Act to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to change certain provisions relating to awards and benefits of workers' compensation; to change certain provisions relating to settlement agreements between parties; to change the maximum weekly compensation benefit for total disability; to change the maximum weekly compensation benefit for temporary partial disability; to revise certain provisions relating to compensation for loss of hearing caused by harmful noise; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to change certain provisions relating to settlement agreements between parties; to change certain provisions relating to compensation for medical care, artificial members, and other treatment and supplies, effect of employee's refusal of treatment, and employer's liability for temporary care; to change certain provisions relating to the appointment of a conservator for a minor or an incompetent claimant; to revise certain provisions relating to compensation for loss of hearing caused by harmful noise; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, is amended by revising subsection (c) of Code Section 34-9-15, relating to procedure for settlement between parties generally, approval by the board, finality of settlement, and lump sum settlement, as follows:

"(c) ~~The parties by agreement and with the approval of the board may enter into a compromise lump sum settlement resolving all issues~~ The board or any party to the settlement agreement may require that the settlement documents contain language which prorates the lump sum settlement over the life expectancy of the injured worker. When such an agreement has been approved, neither the weekly compensation rate paid throughout the case nor the maximum statutory weekly rate applicable to the injury shall apply. No compensation rate shall exceed the maximum statutory weekly rate as of the date of injury. Instead, the prorated rate set forth in the approved settlement documents shall control and become the rate for that case. This subsection shall be retroactive in effect."

SECTION 2.

Said title is further amended by revising subsection (f) of Code Section 34-9-221, relating to procedure, payment controverted by employer, delinquency charge, and enforcement, as follows:

"(f) If income benefits payable under the terms of an award are not paid within 20 days after becoming due, there shall be added to the accrued income benefits an amount equal to 20 percent thereof, which shall be paid at the same time as, but in addition to, the accrued benefits unless review of the award is granted by the board or unless this nonpayment is excused by the board after a showing by the employer that due to conditions beyond the control of the employer the income benefits could not be paid within the period prescribed."

SECTION 3.

Said chapter is further amended by revising Code Section 34-9-226, relating to the appointment of a guardian for a minor or an incompetent claimant, as follows:

"34-9-226.

(a) Except as provided in this Code section, the only person capable of representing a minor or legally incompetent claimant entitled to workers' compensation benefits shall be (1) a conservator duly appointed and qualified by the probate court of the county of residence of such minor or legally incompetent person or by any court of competent jurisdiction within this state, or (2) a conservator or the equivalent thereof duly appointed by a court of competent jurisdiction outside the State of Georgia. ~~Said~~ Such conservator shall be required to file with the board a copy of the conservatorship returns filed annually with the probate court or with a court of competent jurisdiction outside the State of Georgia and give notice to all parties within 30 days of any change in status.

(b) The board shall have authority in and shall establish procedures for appointing ~~temporary~~ conservators for purposes of administering workers' compensation rights and benefits without such conservator becoming the legally qualified conservator of any other property, without such conservator's actions being approved by a court of record, and without the posting of a bond, in only the following circumstances:

(1) The board may, in its discretion, authorize and appoint a ~~temporary~~ conservator of a minor or legally incompetent person to receive and administer weekly income benefits on behalf of and for the benefit of said minor or legally incompetent person ~~for a period not to exceed 52 weeks unless renewed or extended by order of the board~~;

(2) The board may, in its discretion, authorize and appoint a ~~temporary~~ conservator of a minor or legally incompetent person to compromise and terminate any claim and receive any sum paid in settlement for the benefits and use of said minor or legally incompetent person where the net settlement amount approved by the board is less than ~~$50,000.00~~ $100,000.00; however, where the natural parent is the guardian of a minor and the settlement amount is less than $15,000.00, no board appointed conservator shall be necessary. After settlement, the board shall retain the authority to resolve disputes regarding continuing representation of a board appointed conservator of a minor or legally incompetent person; and

(3) If a minor or legally incompetent person does not have a duly appointed representative or conservator, the board may, in its discretion, appoint a guardian ad litem to bring or defend an action under this chapter in the name of and for the benefit of said minor or legally incompetent person ~~to serve for a period not to exceed 52 weeks, unless renewed or extended by order of the board~~. However, no guardian ad litem appointed pursuant to this Code section shall be permitted to receive the proceeds from any such action except as provided in this Code section and the board shall have the authority to determine compensation, if any, for any guardian ad litem appointed pursuant to this Code section."

SECTION 4.

Said chapter is further amended by revising paragraphs (1) and (2) of subsection (b) of Code Section 34-9-264, relating to compensation for loss of hearing caused by harmful noise under workers' compensation, as follows:

"(1) In the evaluation of occupational hearing loss, only the hearing levels at the frequencies of 500, 1,000, ~~and~~ 2,000, and 3,000 cycles per second shall be considered. Hearing losses for frequencies below 500 and above ~~2,000~~ 3,000 cycles per second are not to be considered as constituting compensable hearing disability. No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid. The board may order the employer to provide the employee with an original hearing aid if it will materially improve the employee's ability to hear;

(2) The percentage of hearing loss shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1,000, ~~and~~ 2,000, and 3,000 cycles per second. Pure tone air conduction audiometric instruments, properly calibrated according to accepted national standards such as ~~American Standards Association, Inc. (ASA),~~ International Standards Organization (ISO)~~,~~ or American National Standards Institute, Inc. (ANSI), shall be used for measuring hearing loss. If more than one audiogram is taken, the audiogram having the lowest threshold will be used to calculate occupational hearing loss. If the losses of hearing average ~~15~~ 25 decibels ~~(26 db if ANSI or ISO)~~ or less in the ~~three~~ four frequencies, such losses of hearing shall not constitute any compensable hearing disability. If the losses of hearing average ~~82~~ 92 decibels ~~(93 db if ANSI or ISO)~~ or more in the ~~three~~ four frequencies, then the same shall constitute and be total or 100 percent compensable hearing loss. In measuring hearing impairment, the lowest measured losses in each of the ~~three~~ four frequencies shall be added together and divided by ~~three~~ four to determine the average decibel loss. For each decibel of loss exceeding ~~15~~ 25 decibels ~~(26 db if ANSI or ISO)~~ an allowance of 1 1/2 percent shall be made up to the maximum of 100 percent which is reached at ~~82~~ 92 decibels ~~(93 db if ANSI or ISO)~~. In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear, and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment;"

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Representative Hembree of the 67th moved that the House agree to the Senate substitute to HB 971.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	N McCall	N Sheldon
E Amerson	N Dickerson	Y Hightower	Y McKillip	Y Sims, B
E Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
N Ashe	Y Dickson	N Holcomb	N Mitchell	N Smith, E

N Atwood
N Baker
Battles
N Beasley-Teague
N Bell
N Benfield
Y Benton
N Beverly
Y Black
Y Braddock
Y Brockway
N Brooks
N Bruce
N Bryant
N Buckner
Y Burns
N Byrd
Y Carson
Y Carter
Y Casas
Channell
Y Cheokas
Y Clark, J
Y Clark, V
Y Coleman
Y Collins
Y Cooke
Y Coomer
Y Cooper
N Crawford
N Dobbs
Y Dollar
N Drenner
Y Dudgeon
Dukes
Y Dunahoo
Y Dutton
Y Ehrhart
Y England
Epps, C
Y Epps, J
N Evans
Floyd
N Fludd
N Frazier
Fullerton
N Gardner
Y Geisinger
Golick
N Gordon
N Greene
Y Hamilton
Y Hanner
Y Harbin
Y Harden, B
Harden, M
Y Harrell
Y Hatchett
N Hatfield
N Heard
Y Holmes
Y Holt
Y Horne
Houston
N Howard
Hudson
N Hugley
N Jackson
Y Jacobs
E James
Y Jasperse
Y Jerguson
N Johnson
Y Jones, J
N Jones, S
Jordan
Kaiser
N Kendrick
E Kidd
Y Kirby
Y Knight
Y Lane
Y Lindsey
N Long
Maddox, B
Y Maddox, G
Y Manning
N Marin
Y Martin
Y Maxwell
Morgan
Y Morris
Mosby
Murphy
Y Neal, J
N Neal, Y
Nimmer
Y Nix
N Oliver
Y O'Neal
Y Pak
N Parent
Y Parrish
Y Parsons
Y Peake
N Powell, A
N Powell, J
Pruett
Y Purcell
Y Ramsey
N Randall
N Reece
Y Rice
Y Riley
N Roberts
Y Rogers, C
Y Rogers, T
Rynders
Y Scott, M
N Scott, S
Y Smith, K
Y Smith, L
Y Smith, R
Smith, T
N Smyre
N Spencer
N Stephens, M
Y Stephens, R
Stephenson
Y Talton
Y Tankersley
Y Taylor, D
N Taylor, R
Y Taylor, T
Y Teasley
N Thomas
N Waites
Y Watson
Y Welch
Y Weldon
N Wilkerson
Y Wilkinson
Y Willard
N Williams, A
Y Williams, C
N Williams, E
E Williams, R
Y Williamson
Yates
Ralston, Speaker

On the motion, the ayes were 91, nays 61.

The motion prevailed.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the following bill of the Senate:

SB 333. By Senators Stone of the 23rd, Miller of the 49th, Ramsey, Sr. of the 43rd, Davis of the 22nd, Jeffares of the 17th and others:

A BILL to be entitled an Act to amend Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to foreclosure, so as to provide that notices of sales made on foreclosure under power of sale shall be provided to all debtors; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bill of the Senate:

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 403. By Senators Millar of the 40th, Stoner of the 6th, Ligon, Jr. of the 3rd, Shafer of the 48th and Carter of the 42nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise provisions relating to school health nurse programs; to include school nurses in state formula funding based on full-time equivalent student counts; to provide for grants for supplies for school health nurse programs; to provide for a state-level coordinator for school health nurse programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 743. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the motor fuel tax, so as to extend the expiration date for the exemption from the motor fuel tax for certain public transit and public campus transportation systems; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate amendment to the following bill of the House:

HB 786. By Representatives Hembree of the 67th and Geisinger of the 48th:

A BILL to be entitled an Act to amend Chapter 57 of Title 33 of the Official Code of Georgia Annotated, relating to the consumers' insurance advocate, so as to provide that, until such time as the consumers' insurance advocate is appropriately funded, it shall not be necessary to file copies of insurance rate filings with the consumers' insurance advocate; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following bill of the House having failed to receive the requisite constitutional majority has lost in the Senate:

HB 707. By Representatives Morgan of the 39th, Powell of the 171st, Powell of the 29th, Brooks of the 63rd, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to presentation of identification to poll workers, so as to provide that an elector may present a valid student identification card containing a photograph of the elector and issued by an eligible postsecondary institution in this state as proof of identity in order to vote; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bills of the House:

HB 133. By Representatives Black of the 174th, Rogers of the 26th, Rynders of the 152nd, Weldon of the 3rd, Knight of the 126th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, so as to provide for conditions of refunding de minimis overpayments; to provide for waiver of de minimis insufficiencies; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 318. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to the use

of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn sine die, and the motion prevailed.

Pursuant to HR 1978, adopted by the House and Senate, the Speaker announced the House adjourned sine die.